

1 IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY,

COPY

2 STATE OF OKLAHOMA

3
4 STATE OF OKLAHOMA,)

5 Plaintiff,)

6 vs.)

CASE NO.: CF-2014-5869

7 DANIEL K. HOLTZCLAW,)

8 Defendant.)

9 FILED IN DISTRICT COURT
OKLAHOMA COUNTY

10 APR 20 2016

11 TIM RHODES
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13 TRANSCRIPT OF THE JURY TRIAL

14 HAD ON THE 17TH DAY OF NOVEMBER, 2015,

15 BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

16 DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

17 OKLAHOMA CITY, OKLAHOMA

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19 VOLUME X OF XVIII

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25 REPORTED BY: Kristin L. Taylor, RPR

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1 Q Sir, in regards to your supervisory responsibilities
2 for the sex crimes unit, that's your current assignment; is
3 that right?

4 A Yes, it is.

5 Q Tell me a little bit about what the supervisor for the
6 sex crimes unit does.

7 A The main thing is in the mornings review cases, see
8 which cases come in. Review those cases to see if the case
9 is going to be assigned. After looking at the case if it's
10 gonna be assigned I assigned it to one of my detectives.
11 And then once they get the case follow up with some of their
12 reports, approve reports that they've done, and if there's
13 anything else that we need to try to help make things go
14 smoother I try to get it for them.

15 Q Sir, did you become involved in your unit's
16 investigation of the allegations against Officer Daniel
17 Holtzclaw?

18 A Yes, I did.

19 Q And were you -- when did you become involved in that?

20 A The -- it's gonna be the night of our initial --
21 initial victim at 50th and Lincoln.

22 Q Ms. Ligons?

23 A Yes.

24 Q Okay.

25 A I received a phone call from the on-call supervisor

1 that night and he told me that they had an allegation of
2 assault where the suspect was an officer. And I had talked
3 to the other supervisors that are on the on-call rotation
4 and I've told them that they if they get a call that's in
5 reference to an officer involved that I would like to be
6 notified because my unit's the one's that's gonna be doing
7 it, working the case, and I would like to be notified and
8 get there on the ground level.

9 Q As a supervisor with the Oklahoma City Police
10 Department is it concerning to you when allegations are made
11 that an officer is engaged in criminal activity?

12 A Yes, it is.

13 Q As a supervisor with the Oklahoma City Police
14 Department would you direct your detectives to work
15 diligently to try to see if there's any falsity to those
16 allegations?

17 A Yes, we work -- you work all cases -- you know,
18 basically you work all cases the same but you work as hard
19 to either prove or disprove a case.

20 Q And would that be the same not only with this case but
21 with all cases?

22 A Yes.

23 Q Sir, in that regard as the case unfolded did there --
24 was there a time when a concern was identified that there
25 could potentially be other potential victims of Officer

1 Holtzclaw?

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

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

5 A Crime information.

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

8 A Correct.

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

12 A Yes.

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

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

1 list of names of those people off of the original sheets
2 that the crime information unit had. And then I took the
3 names from that list and checked them in our Varuna system
4 and I was specifically looking for people who may have a
5 drug history, prostitution history or a significant criminal
6 history, somebody that had been arrested, I want to say
7 significant, several times.

8 Q Sir, I'm just gonna hand you this. Are -- basically
9 this document that contains many, many pages, is that the
10 crime information unit logs that you just referred to?

11 A Yes.

12 Q And you would agree there's a hundred-plus pages of
13 those?

14 A There's a bunch.

15 Q Okay. And then you went through those personally?

16 A Yes.

17 Q Do I understand that?

18 A Yes.

19 Q And then is there also another list of the Varuna runs,
20 just a Word document list that shows the individuals that
21 Officer Holtzclaw ran during a certain time period?

22 A Yes, I think it showed -- I think it shows all Varuna
23 activity which would be -- I think that -- I think that
24 includes tags, names. You'll have case numbers, stuff like
25 that. We all -- I say "we"; myself, Kim Davis, Detective

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

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

8 A Probably.

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

14 A Yes.

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

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

1 print a photo of that off, staple the photo and the Varuna
2 sheet together and I made a stack, made a pile. And then
3 once I got from April to June done, I handed them to --
4 basically just split it in half, one for Detective Davis,
5 one for Detective Gregory and just -- until I was done.

6 Q So the list that you wrote out on a piece of paper, was
7 that ever documented in a police report?

8 A No, it was not.

9 Q But did it come from the totality of what is in the CIU
10 log and the Varuna log?

11 A Yes, the -- in my report where I say "list" the list is
12 going to be -- list is going to mean crime information log
13 and Varuna. It's -- it's the same. The list was just
14 something that I compiled as a product of the work product,
15 investigator's notes, just something to get through so we
16 could have people to look at.

17 Q And tell me what work product means to you.

18 A Your own personal -- it's your own personal notes that
19 you've gathered during the course of an investigation.
20 It's -- it's something that -- that we do every day. I
21 mean, every day I'm making notes on pieces of paper and
22 that -- I don't make reports on them, they don't go anywhere
23 except into a shredder.

24 Q Is it your understanding of the -- do you know what
25 discovery means?

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

3 Q Bad choice of words.

4 Is that your practice?

5 A Yes, that we don't.

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

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

9 THE COURT: Rephrase the question.

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

11 A Yes, it is.

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

14 THE COURT: All right. Cross-examination?

15 CROSS-EXAMINATION

16 BY MR. ADAMS:

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

19 A Yes, on the adult side, yes.

20 Q I'm sorry?

21 A On the adult side, yes.

22 Q On the adult side.

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

1 A Yes, from April.

2 Q Okay. And then it eventually was expanded back until
3 January; correct?

4 A Yes, that's correct.

5 Q You would agree with me that every time that an alleged
6 victim would say something that a whole new file would be
7 created in regards to that alleged victim.

8 A Yeah, we had -- if someone -- if someone said, yes,
9 something inappropriate happened, we started looking into
10 everything, yes.

11 Q And in fact, every case -- every alleged victim
12 contained a sheet of paper with a report that was dictated
13 by you; correct?

14 A Not dictated by me.

15 Q Well, written or recorded -- a report that was written
16 by you; correct? Dated August the 13th of 2014, do you
17 recall making that report?

18 A I don't understand what you're -- are you saying that I
19 made every report?

20 Q No, absolutely not. And I certainly don't intend to --
21 for you to think that's what I was saying.

22 I'm saying that every time an alleged victim would
23 come and say, okay, something inappropriate happened, a new
24 file would be started and -- and that would eventually be
25 turned over to the defendant or to the defense; correct?