

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

VELENCIA MAIDEN, as Personal)
Representative of the Estate)
of CLIFTON DARNELL)
ARMSTRONG, deceased,)
Plaintiff,)

Case No. CIV-14-413-F

VS.)
THE CITY OF OKLAHOMA CITY,)
OKLAHOMA; JEFFERY (sic))
DUTTON, individually;)
GREGORY FRANKLIN,)
individually; MOHAMMED)
TABAIA (sic), individually;)
DANIEL HOLTZCLAW,)
individually,)
Defendants.)

DEPOSITION OF VELENCIA ELAINE MAIDEN
TAKEN ON BEHALF OF THE DEFENDANTS
IN OKLAHOMA CITY, OKLAHOMA
ON MAY 13, 2015

REPORTED BY: SUSAN J. FENIMORE, CSR, RPR

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1 A He said like that.

2 Q How old was he?

3 A Six or seven.

4 Q Did you see officers performing CPR on your
5 son?

6 A Yes, I saw chest compressions.

7 Q Did you see the officers that were there
8 that night do anything with Clifton, other than
9 trying to get him under control?

10 A I can't answer that.

11 Q Did you see any officers use OC spray, use
12 pepper spray on your son?

13 A No.

14 Q Did you see any officers take a flashlight
15 and strike your son with the flashlight?

16 A No.

17 Q Did you see any officers take out a baton,
18 a stick thing that the officers carry, and strike
19 your son?

20 A I did not.

21 Q Did you see any officers administer any
22 kind of blows to your son?

23 A No.

24 Q Did you see any officers kick your son?

25 A No.

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1 Q Did you fill out any kind of written
2 documentation about your son that evening? Did you
3 fill out any kind of report about him?

4 A I did have -- just a blue sheet of paper.
5 (Defendant's Exhibit Number 2 marked for
6 identification purposes and made part of
7 the record.)

8 Q (By Ms. Knight) I hand you what has been
9 marked as Defendant's Exhibit Number 2. Is this the
10 blue sheet of paper -- is this a copy of the blue
11 sheet of paper you're talking about?

12 A This is May the 2nd. Something's missing
13 here.

14 Q What's missing?

15 A Because it was stated that the police was
16 trying to kill him. Where it says, in police, the
17 police and the King gangs. I don't know why it's on
18 the 2nd, May the 2nd, but, okay.

19 Q Is this your handwriting?

20 A It looks like it, yes.

21 Q And is that your signature?

22 A Yes. Yeah.

23 Q Why did you fill this out?

24 A Well, because after the police got him
25 handcuffed and all, they said that, you know, we want

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1 to help you get him to the hospital and we have to
2 have this filled out as permission to help you and
3 get him some help. That's why I filled that out.

4 Q Do you recall responding to some
5 interrogatories that I sent you, some questions about
6 this case?

7 MR. BONZIE: Excuse me? Do what?

8 THE WITNESS: She sent me.

9 MR. BONZIE: Just if you don't understand
10 or know what she's talking about, just tell her.

11 THE WITNESS: No.

12 (Defendant's Exhibit Number 3 marked for
13 identification purposes and made part of
14 the record.)

15 Q (By Ms. Knight) Let me show you what has
16 been marked as Defendant's Exhibit --

17 A This is water you putting this in, it's wet
18 now.

19 Q That's Defendant's Exhibit 3. And if you
20 will turn to the very last page. Ma'am? Hello? Can
21 you turn to the very last page?

22 A I'm trying to get to it, yes, there we go.
23 Sorry.

24 Q Is that your signature on that page?

25 A It looks like it, yes.

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1 A Probably.

2 Q Why is that?

3 A I don't know. It just doesn't make sense.

4 Q What doesn't make sense?

5 A Because I hadn't heard any of it.

6 Q Okay. Again -- and you never answered the
7 question when Ms. Knight told you. We produced to
8 Mr. Bonzie a copy of that, just like we produced a
9 copy of your statement and the copy of the DVD of you
10 giving that statement. You haven't taken the time to
11 listen to any of that, have you?

12 A No.

13 Q I'm going to hand you -- if you would,
14 please, Number 2. Are you going to claim -- Number
15 2, the blue sheet. Are you going to claim that's
16 been altered?

17 A No.

18 Q Okay. You say, "My son, in a very paranoid
19 hallucinated state of mind," did you not say that?

20 A Probably, yes.

21 Q Not probably, it's either yes or no.

22 MR. BONZIE: Objection to the form of the
23 question.

24 Q (By Mr. Smith) Is that not your
25 handwriting?

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1 A It looks like it. Yes.

2 Q And "a very paranoid hallucinated state of
3 mind," did I correctly read that?

4 A Yes.

5 Q Did anybody prompt you to write that?

6 A I was told by the police officer to write
7 what I --

8 Q But he didn't tell you the words to write,
9 did he?

10 A No.

11 Q These are your words?

12 A Yes.

13 Q Okay. And then you told Ms. Knight there's
14 something left out. You're not going to claim that
15 it's been altered, are you?

16 A Oh, I came back -- I told her I saw the
17 police, so, no, it looks fine.

18 Q Because you know that it's a misdemeanor to
19 lie on this document? Do you see that right there?

20 MR. BONZIE: Objection to the form of the
21 question.

22 Q (By Mr. Smith) It says, "Any false
23 statement given to the officer by the person upon
24 whose statement of the officer relies shall be a
25 misdemeanor and subject to the sanctions of Title 21

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1 of the Oklahoma Statutes."

2 A Yes.

3 Q Okay. So you didn't lie on this statement,
4 did you?

5 A No.

6 Q What is your definition of hog tied?

7 A Where the arms and legs are tied together.

8 Q Okay. What number --

9 A Restrained.

10 Q What number of inches between the arms and
11 legs?

12 MR. BONZIE: Objection to the form of the
13 question. If you know.

14 THE WITNESS: I don't know.

15 Q (By Mr. Smith) Well, I'm very curious,
16 because if you take Number 3, your answers to
17 Ms. Knight's interrogatories, do you see that
18 document there in front of you, Number 3?

19 A What page?

20 Q Page 3, Answer Number 2. Very last
21 sentence.

22 A Page 3?

23 Q Yes, ma'am. Very last sentence of Number
24 2, "They will all testify that the decedent was not
25 resisting arrest and did not have to be restrained by

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1 and hog tied which caused him to die." Is that your
2 word, "hog tied"?

3 A You said three, Number 2 or --

4 Q Page Number 3.

5 A Yes.

6 Q Answer Number 2.

7 A Number 2, which is up here?

8 Q Yes, ma'am.

9 A Okay.

10 Q Are you ready?

11 A Yes, go ahead.

12 Q Are you ready?

13 A I'm ready.

14 Q "They will all testify the decedent was not
15 resisting arrest and did not have to be restrained by
16 and hog tied which caused him to die," do you see
17 that?

18 A That's on Page 2.

19 Q No, ma'am, it's on Page 3.

20 A Yes, I see that.

21 Q So you used the word "hog tied," right?

22 A That's what I called it, yes.

23 Q That's what you called it.

24 Exhibit Number 12, 123, Photograph 123.

25 A Uh-huh.

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1 Q Is that before or after the police
2 officers, quote, unquote, hog tied him?

3 A This is after.

4 Q Okay. So when the -- and that's an
5 accurate representation of his feet and ankles, the
6 position they were in when they were done with the
7 hobbles; is that correct?

8 A Yes.

9 Q Page 4, Answer Number 3, last sentence,
10 "The officer then grabbed Clifton and hog tied him
11 with a leather strap," do you see that?

12 A In answer to three, paragraph --

13 Q Page 4.

14 A Sentence.

15 Q Last sentence to Answer 3.

16 A He sat on the ground, is that the last one?

17 Q No, ma'am. "The officer then grabbed
18 Clifton and hog tied him with a leather strap."

19 A Okay. I see that.

20 Q Page 9, Answer 21.

21 A Okay.

22 Q "The use of maximum restraint - 'hog tied'
23 - to restrain somebody with mental health issues."
24 Did I correctly read that?

25 A Yes.