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IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
 vs.) CASE NO.: CF-2014-5869
)
 DANIEL K. HOLTZCLAW,)
)
 Defendant.)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

MAY 03 2016

TIM RHODES
COURT CLERK

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 30TH DAY OF NOVEMBER, 2015,

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME XV OF XVIII

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MAY 26 2016 *msm*

ATTORNEY GENERAL

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

REPORTED BY: Kristin L. Taylor, RPR

3428-5741

1 J-O-H-N-S-O-N.

2 THE COURT: All right. Thank you, ma'am.

3 You may proceed.

4 MS. McCONNELL: Thank you, your Honor.

5 CARLA JOHNSON,

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

8 DIRECT EXAMINATION

9 BY MS. McCONNELL:

10 Q Ms. Johnson, I want to draw your attention to
11 August 14th of 2014. On that date do you have -- do you --
12 were you able to speak with Detective Kim Davis who is
13 sitting at this table?

14 A Yes.

15 Q How did you come into contact with her?

16 A They come to my house. Come up at -- one morning. It
17 was early. Knocked on my door. Asked to speak with me.

18 Q And you said that they came to your house. Was
19 Detective Davis with another detective?

20 A Yes, ma'am.

21 Q Was that Detective Homan, Valari Homan?

22 A Yes, ma'am.

23 Q Okay. And you said they came and knocked on your door.
24 What were they wanting to speak to you about?

25 A They told me that they had been informed that I had

1 been sexually harassed by one of their police officers.

2 Q Okay. And had you had contact with an officer like
3 that?

4 A Pardon me?

5 Q Had you had contact with an officer where you were
6 sexually assaulted?

7 A Yes.

8 Q Okay. That -- had that happened one time or more than
9 one time?

10 A The sexually part, it happened one time.

11 Q Okay. The officer, had you had contact with him on one
12 occasion or more than one occasion?

13 A More than one occasion.

14 Q Tell me about the first time you came into contact with
15 this officer.

16 A The first time I come in contact with him I was coming
17 from Northeast 14th and Kelley from -- it's not my birth
18 grandpa but he's a man that's -- I've been taking care of
19 for years. He's 92 years old now. But I've been taking
20 care of him for, like, four or five years. I was leaving
21 that house that night.

22 Q That's where you were coming from?

23 A I was leaving from there going to Northeast 15th and
24 Kelham.

25 Q And what was at Northeast 15th and Kelham?

1 A That's where a friend of mine lived, the next block
2 over.

3 Q And when you said you were going from this house on
4 14th and Kelham to this house on 15th and Kelham, were you
5 walking or driving?

6 A Yes, I was walking.

7 Q Were you by yourself?

8 A Yes.

9 Q And what happened?

10 A As I got across the -- this church parking lot back
11 there on 15h and Kelham, got across there. I was headed
12 north and a police car passed me. But when he saw me he
13 went down to the next block and he kinda like -- kinda
14 almost made it between -- I was in between 14th and 15th of
15 Kelham. And he made a U-turn and he come back and he
16 stopped.

17 Q Okay. So he made a U-turn right on Kelham?

18 A Yeah, well -- yes. Yes. He was going north on Kelham
19 also. But when he turned around and made a U-turn, you
20 know -- yeah.

21 Q And what time of day was it whenever this happened?

22 A It was probably about -- it was after midnight.

23 Q Okay. So nighttime?

24 A Yes, ma'am.

25 Q After this officer made the U-turn and came back to

1 where you were, what happened?

2 A He stopped and asked me what was I doing, where was I
3 going. And I told him that I just left my paw-paw. He
4 said, this -- over on Northeast 15th's a crack house. You
5 buy some drugs there? I told him: No, I just left my
6 paw-paw's house.

7 Q So he asked you if you'd just come from 14th and
8 Kelham?

9 A No, I told him I was just leaving from over on 14th.

10 Q Okay.

11 A And he asked me: Well, that's dope house, what you
12 doing over there, buying -- just bought some crack from over
13 there? And I told him no.

14 Q He asked you if you'd just bought some crack?

15 A Yeah.

16 Q Okay. What happened after you told him no?

17 A So I told him no that I take care of my paw-paw over
18 there. And then I had my purse, he asked me to -- did I
19 have anything in my pockets and stuff. And he took my
20 purse. My coat, my jacket and all that stuff. I had my
21 cell phone. I had some money in my pocket. A cell phone,
22 lighter, cigarettes and keys. And said all that --

23 Q Did you take that stuff out of your pockets or did he?

24 A No, I took -- he asked me did I have anything in my
25 pockets so I took -- I had my purse -- things like my cell

1 phone and my lighter and my cigarettes, they were off in my
2 pocket. But -- and I took my jacket off. And he asked me
3 to sit my stuff on the back trunk of the car, and I did.
4 But he had my purse so when he put me in the police -- which
5 I had my money on me also because we -- asked me to see the
6 money.

7 Q Where was your money?

8 A It was in my back pocket.

9 Q Did you put that on the trunk of the vehicle as well?

10 A No, I put that back in my pocket.

11 Q How much money did you have on you?

12 A I had \$55. I had 20 -- I had two 20s, I had a ten and
13 a \$5 bill.

14 Q Okay. So after you put all your stuff on the trunk of
15 the car --

16 A Yeah.

17 Q -- what happens next?

18 A Okay. He gets -- which he got in my purse. He's going
19 through my purse, you know, tryna see whatever he could
20 find. So he's asking me questions. He's doing radio check
21 on me. He's asking me questions, have I ever -- what have I
22 been arrested for and have I got any drugs on me. Kept
23 asking me was I sure. I told him: No, I don't have
24 anything on me, you know.

25 Q And, Ms. Johnson, I want to make sure I understand.

1 Whenever you were emptying out your pockets and putting the
2 stuff on the trunk of this officer's car were you outside
3 the patrol car at that point?

4 A Yes.

5 Q Okay. And then whenever you put your stuff on the
6 patrol car do you stay outside the patrol car or do you ever
7 get in the patrol car?

8 A Well, I gets in after a bit because, you know, I take
9 my shoes and socks off. Shake my socks off. And I gets in
10 the car.

11 Q Okay.

12 A Yes, I gets inside the car. And he's in the front seat
13 and he's talking to me. He's doing radio check, you know.
14 And I come back clear and I hear her on that.

15 Q So you heard that you were clear?

16 A Yes.

17 Q Okay. And whenever he's checking you for warrants is
18 he sitting inside the patrol car?

19 A Yes. Yes.

20 Q Okay. And is he -- is he asking you any other
21 questions while you're seated in the patrol car?

22 A Yeah, he asked me has I ever been arrested for
23 prostitution and, you know -- and he ask me: Are you sure
24 you don't have anything down your pants? And I told him,
25 no, I said you can call a female officer if you like.

1 Q Why did you say that?

2 A Why did I say what?

3 Q Why did you say you can call a female officer if you
4 like?

5 A Because I know that that's what they do, female
6 officers, because I've been in places before and they always
7 have a female officer come out and check us females, that
8 the mans can't do it. So I knew that. So if he kept asking
9 me this and I'm feeling like he didn't believe me so maybe
10 call a female officer to check me is what I -- you know, is
11 what I tell him.

12 Q Had you been stopped by officers before?

13 A Yes.

14 Q More than one time? A lot of times?

15 A Yeah.

16 Q Had you ever been searched by a male officer up to this
17 point?

18 A No. No. No.

19 Q What happened after you suggested that he could call a
20 female officer?

21 A He said -- he didn't say anything about it. He didn't
22 say nothing, just let it go like that.

23 Q What happened next?

24 A Okay. So anyway after come back clear, you know, all
25 that. So -- okay. So come back clear. So he told me -- so

1 he was letting me out of the car so once I was getting out
2 the back seat of the car I noticed money laying in the back
3 seat of car which was a \$20 bill. I thought it had fell out
4 of my back pocket so I pick it up. And so when I -- I said:
5 Oh, I dropped my money. So I pick it up and he go: Okay.
6 You can get out. Let me make sure -- so he go: I'm gonna
7 check my back seat and make sure you didn't put any drugs or
8 nothin' down the seat. So as I'm doing that and I'm
9 grabbing my belongings just on the back seat of the -- on
10 the back trunk of the police car, he going: By the way,
11 give me back that \$20 bill you pick up. I go, no; I said,
12 that's my money. He goes, no, that mine. So when I went
13 and took my money out my pocket realized that I had all my
14 money and plus there was an extra 20. And I said: Well,
15 sir, I'm sorry. That is yours. He said: Yeah, that's
16 mine. I told you that. And he go: I had that there for a
17 reason. Well, whatever reason, I don't know, but it was
18 his. I gave it back to him and he left.

19 Q Did he let you go at that point?

20 A Yes. Yes. Yes, he left.

21 Q Any other contacts that you've had with officers have
22 you ever had a contact with an officer with some type of
23 money like happened on that day?

24 A No.

25 Q Okay.

1 A No.

2 Q Was that the end of your contact with that police
3 officer that -- that night?

4 A That night it was.

5 Q Did you ever see that police officer again?

6 A Yes, I did.

7 Q And how many times have you come into contact total
8 with this police officer?

9 A Twice.

10 Q Okay.

11 A Because it was maybe a month and a half after that
12 first time I seen him. Maybe a month and a half later I
13 come to him.

14 Q And I didn't ask you, Ms. Johnson, do you know what
15 date the first contact with this officer happened on?

16 A I can't remember the date. I can -- I think it was
17 probably in -- probably April of last year.

18 Q Was it spring of 2014?

19 A Oh, no, it was still chilly because I was wearing a
20 jacket.

21 Q Okay. And then you said that your second contact you
22 think happened about a month or a month and a half?

23 A Yeah, so it was probably about maybe -- let's see,
24 maybe the first of June or somewhere along in there maybe.

25 Q Okay.

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 So he asked me did I have anything on me. Told him no.

2 Puts me in the back seat of the car. Once again we're going
3 through, well, have you got anything on you, you know?

4 Q And did you have a purse with you on this -- this date?

5 A I don't -- I don't believe I had a purse, no, I don't
6 think I had.

7 Q Did you have to put any of your belongings on the trunk
8 of the car this time?

9 A No, this time -- this -- I believe the second time when
10 he stopped me he just asked did I have anything on me. Told
11 him no. And he asked me did I -- pants, whatever. So I
12 took my shirt and I kinda shook it out because I didn't have
13 a bra on. So I kinda, like, shook it out, you know. So
14 okay. So he didn't do nothing, pat me, none of that. Put
15 me in the back seat the car.

16 Q He didn't pat you down?

17 A No, this -- no. No. No. No. Not then.

18 Q Okay.

19 A Before he put in the car, no.

20 Q Okay.

21 A So what he did was he -- he put me in the seat -- the
22 car and he was doing this check on me, radio check. And we
23 was talking. And he kept saying: Are you sure you don't
24 have anything down your pants, no drugs or things, because,
25 you know, most you girls, that's what y'all do. Y'all take

1 and stuff drugs down you. And I'm telling him no. And he
2 asked me: You been arrested for prostitution? What you got
3 in -- I had condoms that night. Condoms, a lighter and
4 stuff in my pocket. He goes: What are you doing? Are you
5 trying -- because I pulled stuff out my pocket. Trying get
6 you a date or something tonight? And I tell him no, no.

7 But anyway, we're talking all this and that. And
8 he's just going on and on. Yeah, I think you might have
9 something down there. I said, no, let -- again, I told him,
10 you can just call female officer, you know?

11 Q Did he respond to that this time?

12 A He didn't. He didn't say anything. So anyway, once I
13 come back clear and all, this and that, well he lets me out
14 the car. He say: Are you sure you don't have anything on
15 you? I say: No, sir. He say: Let me check you. So he
16 turned me around the car and he just grabs his hands and he
17 taking and touch my breasts. And I'm nervous. And then he
18 take his hand and he put it down my pants, under my panties
19 and touch -- and I'm, like, sir, please don't do this. I
20 say: You're not supposed to because -- and he touched my --

21 Q Let me make sure I understand, Ms. Johnson. I'm sorry
22 to interrupt you. Whenever this happens and he's -- the
23 officer is putting his hands on you, are you standing
24 outside of the patrol car?

25 A Yes.

1 Q And are you -- how are you positioned to the patrol
2 car? Are you facing towards it, away from it or something
3 else?

4 A No, he turned me -- he was standing behind me because
5 he turned me -- I'm at the car and he turned me there so
6 it's like -- you know, it's just like if you put your hand
7 on the car, search.

8 Q So you're facing the patrol car?

9 A Yeah, facing the patrol -- okay. Well, he turned me
10 around. Told me: Yeah, turn around, I want to check -- you
11 know, he wanted to check me and make sure. And I know he
12 was not supposed to do that, especially when he put his
13 hands down my pants. Okay. You don't have anything, you
14 can leave now.

15 Q Whenever he put his hands -- and you kind of motioned
16 toward your breasts -- you had told me that you weren't
17 wearing a bra?

18 A No, wasn't wearing a bra.

19 Q Were his hands on top of your clothing?

20 A Yeah. Yeah. He just pat that. But he put his hands
21 inside my pants and panties and touched my vagina.

22 Q Whenever he patted the chest portion of your body did
23 he use both of his hands?

24 A Yeah, both. You know, like pat and grab.

25 Q Were his hands actually on your breasts at that point?

1 A Yes, both hands.

2 Q Had you ever had an officer --

3 A No.

4 Q When a female officer searched --

5 A No.

6 Q -- you before --

7 A No, not even that. No, they pat. They don't put their
8 hands on -- touch my private with their bare hands, no.

9 Q Whenever he searched the lower half of your body, you
10 said that he reached inside of your pants?

11 A Yes.

12 Q Did he reach inside of your -- were you wearing
13 panties?

14 A I had on panties, yes. I had on jeans, panties, yeah.

15 Q Did his hand go inside your panties or outside?

16 A Yes, it was inside.

17 Q Okay.

18 A He touched my flesh. My -- my vagina. He touched my
19 body. Yeah, his hands.

20 Q Okay. And did he say anything whenever he did that?

21 A Yeah, just say: Okay, you don't have anything. You
22 can go.

23 Q Is that after you had said -- you had told me --

24 A I was telling him: Please, sir, you're not supposed to
25 do this. You know -- yeah, because I know that was wrong.

1 Not supposed to do that -- search me, not like that.

2 Q What happened next?

3 A He let me go. I start walking. And I immediately get
4 on my phone. And during this time I had a phone that you
5 could call somebody, they can hear me but I can't hear them.
6 Okay. So I'm calling my roommate knowing that he's not
7 gonna answer his phone because I know he's in bed and he's
8 got to get up early in the morning and go to work. And I'm
9 thinking, well, maybe it can go to his voice mail or
10 whatever. I can leave a message on his thing.

11 Q What's the name of the friend that you called?

12 A My roommate, his name is Victor Wilson. Victor Wilson.

13 Q Do you still live with Victor Wilson?

14 A Yes. Yes.

15 Q Is he someone that you are romantically involved with?

16 A No. No. No, we're just roommates and that's all.

17 I've been there -- roommates with him for maybe four years
18 now maybe.

19 Q Okay.

20 A Four or five years.

21 Q And your phone you told me, you -- it was broken where
22 you couldn't hear on it?

23 A Yeah, it was broken. I can call somebody, they can
24 hear me but I couldn't hear them. That's how that phone
25 worked.

1 Q So Victor was the person that you called on the phone?

2 A Yes, so -- and I called him.

3 Q How soon after this officer let you go did you call
4 Victor?

5 A Probably soon as I hit the corner. Soon as -- probably
6 not even two minutes, a minute or so after that because he,
7 like, drove on and I was going up -- down the street and I'm
8 talking.

9 Q What street are you walking on?

10 A I'm on 16th and Kelham. I mean, I'm on 16th -- it was
11 16th and Jordan. I get to 16th and Kelham and I'm going
12 left. I'm going north. Turning across the street to 16th
13 and Kelham. I looked behind me and this same officer that
14 just stopped me, he's coming from behind me, but I'm across
15 the street on the other side of 16th and Kelham now leaving
16 Jordan going up a block away. There's Kelham and I'm going
17 left. I look back and there's this same officer come. So
18 I'm like hanging my phone up now because I don't want him
19 see me on my phone. So he starts to go. He pulled up
20 beside me. He go: Oh, yeah, by the way, you got a warrant
21 out for your arrest. I say: Huh? He say: Yeah, I don't
22 know what it's for but you need to go ahead and get it taken
23 care of. I know I didn't have a warrant because I just come
24 back clear. You know, I know I -- but anyway, that's what
25 he said.

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 A Yes.

2 Q So you were on the phone?

3 A Yes, but after I looked back and saw his car I got
4 nervous and I just -- whatever I was saying I was just -- I
5 just hung the phone up and not even not knowing if the
6 message machine picked up or not because like I said that
7 phone, mine was broke. And I don't know how that worked or
8 not.

9 Q Why did you call Victor?

10 A Why did I call him? Because I wanted somebody to know
11 what was going on. You know, I'm scared. You know, and I'm
12 walking and I just wanted somebody to know, you know?

13 Q Where did you go to?

14 A Pardon me?

15 Q Where did you go to after --

16 A I went home. I went straight home. I walked home.

17 Q Was Victor home whenever --

18 A Yes, he was there when I got there and he was sleeping.
19 I was like: Did you hear me on the phone? And I said: Oh,
20 no. I said: But this police officer just stopped me and
21 just put his hand down my pants, felt on my titties and
22 stuff and, you know -- and I had already told him once about
23 the officer when he stopped me back then about the \$20 bill,
24 how he left it in the car. And he was like, there's
25 something need to be done about that. I said: Well, I'm

1 scared because if this guy stop me again I don't know what's
2 gonna happen. I mean, I don't know what can be done. I
3 mean, you know, what -- if he stopped me again, I don't know
4 what's gonna happen.

5 Q Do you know what phone number you called Victor from,
6 what phone number you had at that point?

7 A I can't remember. I mean, I had -- no, I don't know if
8 he got it saved -- that number saved in his phone. No, I
9 can't remember that number.

10 Q Does the number 492-3320 sound familiar?

11 A That's it.

12 Q Do you know Victor's number?

13 A His number's 708-8816.

14 Q So whenever you got home and told Victor about it --

15 A Yeah.

16 Q -- did you tell him that same night?

17 A Pardon me?

18 Q Did you tell him that same night like as soon as you
19 got home?

20 A Yes, as soon as I got home. Yeah. He was in bed. I
21 woke him up and told him, yeah.

22 Q Did you call the police and tell them what had
23 happened?

24 A No, I did not.

25 Q Why not, ma'am?

1 A Because, like I said, if I say something who -- it's
2 like who -- who -- I'm just the girl that sat there and what
3 I do whatever. I don't believe they gonna believe me. It's
4 like my word against his. And they gonna believe him. They
5 not gonna believe me. That's why I didn't say nothing. But
6 I have told people, you know. And it's like, well, you need
7 to -- something need to be done about this because they felt
8 just the way I felt; they're not gonna believe me. You
9 know, you can say whatever you want to say, but it's gonna
10 be his word against yours because he's an officer.

11 Q Before you talked to Detective Davis about it in
12 August, had you talked to any police about it before?

13 A I haven't talked to no one.

14 MS. McCONNELL: May I have a brief moment, your
15 Honor?

16 THE COURT: Yes.

17 (Counsel for the State confer.)

18 BY MS. McCONNELL:

19 Q Ms. Johnson, this officer that you've come into contact
20 with two times that you've told the jury about, is he in the
21 courtroom today?

22 A Yes, ma'am.

23 Q Can you tell me where he's sitting and what he's
24 wearing?

25 A Sitting right there with the --

1 Q What color is he wearing?

2 A Black and blue.

3 Q Is he sitting at a table?

4 A Yes, right at the back table with the water bottle
5 sitting right there in front of him.

6 Q Is he sitting closest to the Judge or furthest away
7 from the Judge?

8 A Closest.

9 MS. McCONNELL: Your Honor, may the record reflect
10 identification of the defendant?

11 THE COURT: Record will so reflect.

12 MS. McCONNELL: Your Honor, I'll pass the witness.

13 THE COURT: All right. Cross-examination?

14 CROSS-EXAMINATION

15 BY MR. ADAMS:

16 Q Ms. Johnson, the very first contact you had with the
17 Oklahoma City Police Department regarding Officer Holtzclaw
18 was August 14th of 2014; correct?

19 A Correct.

20 Q That would've been with Detective Davis who is sitting
21 here at this table along with another female detective;
22 correct?

23 A Correct.

24 Q And during that conversation they told you that they
25 had a tip that you had been sexually assaulted by a member

1 of the Oklahoma City Police Department; correct?

2 A Correct.

3 Q And actually they told you they were going to any women
4 that had any contact with Officer Holtzclaw and telling them
5 that; correct?

6 A I don't recall of that.

7 Q Okay. Do you recall telling them that you've had two
8 contacts with Officer Holtzclaw?

9 A Yes.

10 Q And the first contact you testified there was nothing
11 inappropriate happened; correct?

12 A Correct.

13 Q You're saying that when something inappropriate
14 happened that that would've been what month?

15 A Probably the month of May or June.

16 Q May or June of 2014?

17 A Yes, sir.

18 Q Now on the events that you -- you said it was
19 approximately 2:00 a.m. in the morning?

20 A Yeah. Yes, I believe it was after midnight, yeah.

21 Q And after you say these events happened with Officer
22 Holtzclaw you stated that you called your live-in boyfriend,
23 Victor.

24 A No, it's not my boyfriend, it's my roommate.

25 Q Okay. And I apologize. You called your roommate, the