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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 13 2016

TIM RHODES
COURT CLERK

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 2ND DAY OF DECEMBER, 2015,
BEFORE THE HONORABLE TIMOTHY R. HENDERSON,
DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,
OKLAHOMA CITY, OKLAHOMA

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VOLUME XVII OF XVIII

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

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MAY 26 2016

ATTORNEY GENERAL

REPORTED BY: Kristin L. Taylor, RPR

3944-4146

1 would you, for the record, State your name again, please.

2 THE WITNESS: Yes, sir. Elaine Taylor.

3 ELAINE TAYLOR,

4 was called as a witness, after having been previously duly
5 sworn, and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. GIEGER:

8 Q Ms. Taylor, you previously testified and you're
9 qualified as a DNA forensic analyst here in the Oklahoma
10 City Police Department laboratory; correct?

11 A Yes, sir.

12 Q You testified previously about some items that were
13 tested for the presence of biological evidence or DNA
14 evidence on an address on Culbertson; is that correct?

15 A That's correct, yes, sir.

16 Q In addition to that, ma'am, were there other items of
17 potential biological or potential DNA evidence submitted to
18 the Oklahoma City Police Department laboratory in
19 association with the investigation of Officer Holtzclaw?

20 A Yes, sir, there were.

21 Q Did that include items from Jannie Ligons' car?

22 A From her and her car both.

23 Q Yes, ma'am.

24 A Yes.

25 Q And also from the patrol car that Officer Holtzclaw was

1 using on June 18th; correct?

2 A Yes, sir, that is correct.

3 Q In addition to that, ma'am, did you receive a pair of
4 uniform pants into evidence?

5 A Yes, sir, I did.

6 MR. GIEGER: Your Honor I don't believe we've
7 offered this stipulation yet but it'd be Court's Exhibit 16;
8 is that right?

9 THE COURT: 16.

10 MR. GIEGER: Do you want to look at it before I --

11 THE COURT: Yes.

12 MR. GIEGER: May I publish it, your Honor?

13 THE COURT: You may publish the stipulation.

14 MR. GIEGER: Thank you.

15 (Court's Exhibit 16 was read.)

16 THE COURT: All right. Ladies and gentlemen, that
17 is a stipulation between the parties and may be accepted by
18 you.

19 Q (By Mr. Gieger) In regards, ma'am, to the uniform
20 pants, at the time they were submitted to you for analysis
21 do you recall approximately what month that was in?

22 A I received them from property clerk Susan Gentry on
23 June the 19th of 2014.

24 Q And at that time, ma'am, did you immediately begin to
25 conduct some type of analysis on the pants or was there some

1 delay in doing that?

2 A As soon as I start -- I received the evidence from
3 Jannie Ligons and Officer Holtzclaw's Springlake cruiser as
4 well as his uniform pants.

5 Q Yes, ma'am.

6 A The first thing that I do when I receive evidence is I
7 start with item number 1, which in this case was a set of
8 reference buccal swabs from Jannie Ligons. And then I just
9 accessioned each item of evidence as I got to it.

10 Q And the uniform pants specifically, did you obtain
11 swabs from them, ma'am?

12 A I collected the swabs myself.

13 Q And what item of evidence were they?

14 A It was item number 17. And the question samples were
15 Q1 and Q2.

16 Q In regards to the pants or items number 17Q1 and Q2, at
17 the time that you swabbed those -- first of all, why were
18 you swabbing those pants? What was the reason? Were you
19 asked to do it specifically or was it something you were
20 doing as -- as a decision on your own?

21 A Essentially it was a decision that I made. The
22 allegation was from Ms. Ligons that it was -- it was an oral
23 sodomy case. And so I thought that possibly I could get her
24 DNA on either side of his pants. So I swabbed the outside,
25 along the zipper line, and then I physically unzipped the

1 pants myself, and there's a small piece of fabric, I think
2 it's in everybody's pants, that the zipper rides up and down
3 behind. And I swabbed that particular area. And then I ran
4 DNA on them.

5 Q Ma'am, in regards to -- at this point I think you told
6 me when you previously testified that you had not read
7 police reports in regards to the activities at Culbertson;
8 is that correct, to understand exactly what was going on?

9 A That is correct, I did not.

10 Q That -- those items of evidence as far as the time line
11 goes, were they before or after this, the pants?

12 A The Culbertson --

13 Q Yes, ma'am.

14 A -- evidence was after.

15 Q At the time that you received the evidence in regards
16 to Jannie Ligons and the uniform pants, did you even know
17 about Culbertson?

18 A I did not, no.

19 Q Similarly, ma'am, had you read any reports that had
20 been generated at the time that you swabbed the pants or
21 were you just operating under oral knowledge? In other
22 words, had you been told basically it was an oral sodomy
23 allegation?

24 A I had received a request for analysis from Kim Davis,
25 the sergeant that was involved in this case. And her

1 Q All right. Now, ma'am, that same process continues
2 does it not and did you get a DNA profile in regards to the
3 pants?

4 A I did yes, sir.

5 Q All right. And when I go to that, if I look at what
6 you have -- what I have on Exhibit -- page 12 of 15, item
7 17Q1, it is the pants' left fly and item 17Q2 is the pants'
8 right fly; is that correct?

9 A That is correct, yes.

10 Q Now if you just -- again, I'm just looking at the first
11 three. See what's on the TV screen so we're all talking the
12 same thing?

13 A Yes.

14 Q Did you obtain a profile -- first of all, basic
15 question: Was there DNA evidence or biological evidence
16 obtained at these two locations?

17 A Yes, there was.

18 Q And did you obtain a profile from these two locations?

19 A I did, sir.

20 Q All right. Now there's a bunch of numbers there. So
21 tell me what that means. There's more than two; correct?

22 A That is correct.

23 Q Tell us -- tell us what significance that is to you.

24 A The first column for item number Q1 -- item number
25 17Q1, there are six alleles present. Okay. That

1 immediately tells me there -- it is a mixture of more than
2 two people.

3 Q Okay. If it was just one person there would be two
4 numbers or if the number was the same on your chart it would
5 just show one number; correct?

6 A If it's one --

7 Q If -- if it was just one person --

8 A It would just be either one or two numbers.

9 Q It would be one or two numbers.

10 A Yes, that is correct.

11 Q All right. So you know it's a mixture.

12 A That is correct, yes.

13 Q And would that be the same for both 17Q1 and 17Q2?

14 A In Q2 --

15 Q Yes.

16 A -- I was able to do a major/minor contributor. The
17 minor contributor in that mixture is in the black
18 parentheses or the red parentheses all the way across.

19 Q Okay. Now explain the difference then between what
20 they're seeing -- first of all, ma'am, is Q1 the outside or
21 is Q1 the flap?

22 A Q1 is the outside --

23 Q Is the outside.

24 A -- along the zipper.

25 Q Q2, the second row is the flap --

1 A Is the flap inside.

2 Q -- that's behind inside the zipper when the pants are
3 zipped?

4 A Yes, that is correct.

5 Q Okay. Explain the difference when you -- for what
6 you're seeing at Q1, the outside, versus the inside when you
7 have a major and minor component.

8 A On the outside of the pants there were -- the -- it was
9 too difficult to distinguish a major or a minor contributor.
10 There were several -- the peaks were very, very close in
11 height. And we have to judge each location by the size of
12 the peak that we see. So if the peaks are within, like, 100
13 of each other, at that point we do not know which two would
14 possibly go together.

15 Q Ms. Taylor, let me ask, the height of peaks whenever
16 you run your analysis, is that related to the amount of DNA
17 material there is there?

18 A Yes.

19 Q Okay. So the higher the peak the more DNA --
20 biological evidence was there; is that fair to say or is
21 that too simple?

22 A But it has to be within the working seven nanograms of
23 our system.

24 Q Okay.

25 A So the seven nanograms that we use, the peaks may be

1 all the same size at one or two locations. At that point
2 we -- we call it by our guidelines an indistinguishable
3 mixture. And we -- the way the guidelines are set that is
4 the way we make our calls.

5 Q So in the first row the peaks are such that it's
6 indistinguishable, there's a mixture; correct?

7 A That is correct, yes.

8 Q But in the second row, the sample from the inside flap,
9 the differences were such that you could make a
10 determination between major and minor contributors.

11 A Yes, that is correct.

12 Q So the major contributor has higher peaks than the
13 minor contributor?

14 A Yes, basically.

15 Q It's more of the major evidence than the minor
16 evidence?

17 A Right, but the -- the ones like I talked to you
18 previously that are in red --

19 Q Yes, ma'am.

20 A -- the only thing we can use those for is elimination.
21 We can't use them to include somebody.

22 Q Let me ask -- let me ask another question. And I think
23 I understand that. When I look at the second row, just
24 going right straight across, in the first location you have
25 two numbers in black, the second location you have two

1 numbers in black, the third location, fourth location there
2 are other numbers in black but you have them within
3 parentheses. But if I just go across the two, did you get a
4 complete profile of your major contributor on the second row
5 Q2?

6 A Yes, I did.

7 Q Okay. And is that significant to you as a DNA forensic
8 analyst? In other words, is that a complete profile?

9 A Yes, it is a complete profile.

10 Q Even though there's other stuff there, can you say
11 there is a complete genetic profile that would be unique to
12 an individual within a statistical probability?

13 A That is correct, yes.

14 Q Was it a female or a male mixture that was that major
15 component?

16 A It was a female because as you can see from the chart,
17 the X is in black and the minor contributor is a Y, but it's
18 in red so it really basically doesn't count.

19 Q And in that regard, ma'am, if I remind you on page 15
20 and I think just maybe look at the first -- at the location.
21 When you look at Jannie Ligons' buccal swab -- when we look
22 at Jannie Ligons' profile obtained from her buccal swab, at
23 the very first location on your chart, she has 13s there;
24 right?

25 A Yes, that is correct.

1 Q And that would mean she has two 13s at that location?

2 A Yes.

3 Q You didn't write it down twice but when there's just
4 one number it means it's the same number twice.

5 A Yes, she inherited the same from her mother as she did
6 her father.

7 Q All right. But then when I look at 17Q2, although
8 there's a minor 13 on there, the major contributor is 10 and
9 14; correct?

10 A That is correct, sir, yes.

11 Q So from the DNA profile that you know is a complete
12 profile narrowed down to one person within a statistical
13 probability, can you exclude Jannie Ligons at that first
14 location as being a contributor to the major component?

15 A I can, yes.

16 Q So it's not Jannie Ligons?

17 A It is not Jannie Ligons.

18 Q However, was there sufficient biological evidence there
19 -- DNA evidence to know that there is a person, we just need
20 to find who that person is?

21 A That is correct, yes.

22 Q For the purposes of this investigation.

23 A That is correct, yes.

24 Q Did you relay that information relatively early on -- I
25 mean, early on in -- relevant in time to June -- to June of

1 A I told you there was a mixture on the inside flap but
2 that we had a major contributor.

3 Q And that major contributor you were able to determine
4 the DNA profile for an individual within a statistical
5 probability; correct?

6 A That is correct yes, sir.

7 Q Whenever you obtain a profile at some point do you run
8 statistics on that to determine the likelihood of another
9 person in -- within certain races having that same DNA
10 profile; is that correct?

11 A Yes, sir, that is correct.

12 Q And is that used -- using a statistical analysis and
13 statistical equations that are recognized with the area of
14 DNA forensics?

15 A Yes, we use the population database that the FBI put
16 together that is part of our CODIS program.

17 Q And essentially can you in layman's terms kind of tell
18 us what that calculation means and what -- when you have it
19 and you have a profile, like, for example a major
20 contributing -- a major component profile as in 17Q2, when
21 you've got your 16 different genetic locations --

22 A Yes.

23 Q -- at a level sufficient enough to say it's present --

24 A Yes.

25 Q -- what's the statistics and what does that mean?

1 Explain how that works.

2 A Essentially it is -- it's a probability. And each one
3 of the numbers is entered into the program. I request that
4 it calculate it, it automatically calculates it for the
5 three most common racial groups within the State of Oklahoma
6 which are African-American, Caucasian and Southwest
7 Hispanics.

8 Q And are there -- and with each of those different
9 populations of individuals there are accepted
10 quantifications and accepted formulas that you use; correct?

11 A There's been a database put in that for each -- each
12 and every single allele or number at each one of the
13 locations that is a random -- a random match of the amount
14 of people that have that particular allele at that location
15 for those three racial groups.

16 Q All right. At some point, ma'am, during this
17 investigation was an item of evidence submitted to you that
18 was purported to be buccal swabs obtained from an individual
19 known as Adaira Gardner?

20 A That is correct, sir, yes.

21 Q And were you able to obtain a DNA profile from those
22 buccal swabs similar to the way you obtained a DNA profile
23 from Jannie Ligons and come up with her numbers for those 16
24 different locations?

25 A Yes, I did.