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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

FEB 29 2016

TIM RHODES
COURT CLERK

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46

TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 3RD DAY OF NOVEMBER, 2015,

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME II OF XVIII

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MAY 26 2016

ATTORNEY GENERAL

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IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

REPORTED BY: Kristin L. Taylor, RPR

264-488

1 THE COURT: All right. Thank you.

2 Mr. Gieger, you may proceed.

3 MR. GIEGER: Thank you, your Honor.

4 JANNIE LIGONS,

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

7 DIRECT EXAMINATION

8 BY MR. GIEGER:

9 Q Ms. Ligons, do you live here in Oklahoma City?

10 A Yes, sir.

11 Q I want to turn your attention if I can back about --
12 oh, a little bit -- about a year and a half ago, give or
13 take a few days, back to the time of June of 2014. Do you
14 remember that time?

15 A Yes, sir.

16 Q At that time, ma'am, where -- what part of Oklahoma
17 City were you living in?

18 A Oklahoma City, Oklahoma.

19 Q Like northwest? Southeast?

20 A Northwest.

21 Q Northwest part of Oklahoma City.

22 Who were you living with?

23 A My daughter at that time, sir.

24 Q Okay. Tell the jury your daughter's name, please.

25 A Marisha Ligons.

1 Q What are you thinking?

2 A I didn't know what to think because I was just driving.
3 I just thought it was the police just getting behind me.

4 Q Did you get nervous?

5 A Not really. But if a police get behind me I got a
6 little nervous. That's just natural.

7 Q You're just paying attention he's back there?

8 A Right.

9 Q Did you swerve, ma'am?

10 A No, I did not.

11 Q Were you intoxicated?

12 A Not at all, sir.

13 Q What happened next?

14 A He got -- when he got behind me as I passed the -- the
15 lights was red on Lincoln. And when I got ready to take off
16 on the lights when it changed green he pulled his -- he
17 turned his lights on. And then I pulled over.

18 Q Okay. So you actually came to a stop at the light at
19 50th and Lincoln?

20 A Uh-huh. Correct.

21 Q And your memory is the lights change and instead -- did
22 you -- why didn't you turn onto Lincoln and go on north to
23 go toward I-44? Why'd you --

24 A I really don't know. Just a -- I guess because he got
25 behind me and I just kept straight.

1 your car?

2 A Correct.

3 Q Okay. And I also believe that you told me that you
4 assumed he was looking through your stuff because when you
5 got back into your car eventually when this was over things
6 had been moved around; is that right?

7 A Yes, sir.

8 Q Ma'am, about how long if you can estimate for me do you
9 think you sat in the back of the police car while the
10 officer was doing whatever it is he was doing in your car?

11 A About two minutes.

12 Q Not very long?

13 A No, not very long.

14 Q Okay. What happened after he finished whatever he was
15 doing in your car? What do you remember happening next?

16 A He came back to his car and opened up the door where I
17 was at on the passenger side.

18 Q Okay. And if I recall, and correct me if I'm wrong, I
19 think you told us last night you were on -- in the back seat
20 of the patrol car but on the passenger side of the car; is
21 that right?

22 A Correct.

23 Q What happened?

24 A Well, when he opened up the car door he said to me --
25 he said: How do I know you don't have anything in your bra?

1 I say: Sir, I don't. And so I start fidgeting with my bra.
2 The motions I did was like this. I started fidgeting with
3 my bra. And he said: I can't tell like that. I said:
4 What, you want me to raise my blouse up? And he said yes.
5 So I raised my blouse up. And then I guess it wasn't -- I
6 say: What, you want me to raise my bra up too? And he said
7 yes. I raise my bra up. He took his flashlight and started
8 shining it on my chest and I put my blouse down real fast.

9 Q So, ma'am, as you've described that, are you telling
10 the jury that your breasts were actually exposed at this
11 point?

12 A Yes, sir, they were.

13 Q Why did you do that?

14 A Because he axed (sic) me to. And I was afraid.
15 Because I couldn't see him doing anything like that and just
16 let me get away with it. I didn't even understand it.

17 Q He came back and this conversation was basically -- he
18 opened the door and that was the subject of the
19 conversation?

20 A Yes. He say: How do I know you don't have any -- and
21 say: How do I know you don't have anything in your bra?
22 And I demonstrated him that I didn't. He said he couldn't
23 tell like that. Then he wanted me to lift up my -- my
24 blouse.

25 Q Did you -- at first did you just comply or did you

1 Q How do you know that?

2 A Because he unzipped his pants and took it out, yes.

3 Q So at this point you're sitting in the car, he's still
4 standing outside the open door?

5 A He's still standing outside. He's standing -- he's
6 standing like this with me like this. And he's -- he's --
7 he's in front of me to where I can't get out the car. He's
8 in front of me.

9 Q And, ma'am, you motioned and so that this lady can
10 write down what you're motioning -- in other words, you
11 spread your legs apart and he's standing in between your
12 legs?

13 A I'm not like -- didn't even spread my -- demonstrate, I
14 was on like this. And he had his legs like spread in front
15 of me --

16 Q I see?

17 A -- to where I couldn't get out the car.

18 Q Are your feet on the ground?

19 A My feet are on the ground.

20 Q They're not in the car?

21 A They're not in the car.

22 Q They're outside the car?

23 A They turned around.

24 Q Okay. So you're sitting in the car --

25 A Uh-huh.

1 Q -- but you're facing outside and your feet are outside
2 the car?

3 A Correct.

4 Q He's right in front of you?

5 A He's right in front of me.

6 Q Straddling your legs with his legs?

7 A He's right in front of me.

8 Q How did he expose his penis if you know?

9 A Gosh. He unzipped his pants and he took it out and
10 say: Come on. And I started -- I say: Oh, no, sir, please
11 don't make me. I told him please don't make me do that. I
12 said: Don't make me do that. I said: You gonna -- you
13 gonna shoot me, you gonna kill me. He say: I'm not gonna
14 shoot you. I say: You promise? He said: I promise. So
15 by -- at this point in time a car passed by. And it was,
16 like, a gold SUV. They were turning into that parking lot.
17 And when he see them turn to the parking lot he was standing
18 over me and he took his hand and put it on the top of his
19 police car and watched the car pass by. When the car passed
20 by and then he turned back around and he said come -- he
21 told me to come on.

22 Q Had you put it in your mouth yet?

23 A Not yet but getting ready to.

24 Q Not at that point?

25 A No, but after that I did for a second after that. But

1 I was afraid because when I did I -- I couldn't really do it
2 because I was scared he was gonna kill me. When I -- when I
3 bent down only thing I was looking at that gun on the side.
4 And I say -- I was saying to myself: Dear, Lord, when I
5 bend down he's gonna shoot me in my head. I know he was
6 gonna kill me. I could see him doing that like that. So
7 when I bent down I tried to put it in my mouth. I did
8 briefly for a minute. Then I raised up. I say: Sir, I
9 say, I can't do this. I can't do this. He say -- he say:
10 Come on just for -- just for a little bit. Just for a
11 minute. I say: Oh, no, sir, don't make me do that. He --
12 come on, come on, just for a minute. You know, I'm say: I
13 can't do it. And so he was, like, he ain't got all day. He
14 just got off a work. He was tired.

15 Q He said that to you?

16 A Yes, he said that to me. He say: I just got off work.
17 I'm tired, I don't have all night. He said that to me.

18 Q Okay.

19 A And I tried to do it again. And I just did it for --
20 briefly for a minute. And then he backed up away from me
21 and he let me out the car.

22 Q All right. Ms. Ligons, I want to ask you a couple
23 things about what you just told me, all right?

24 A Okay.

25 Q You described that he exposed his penis to you by

1 ready to go. So she got the kids out of bed. Her boyfriend
2 was there, Ricky, at the time. They all jumped up. And she
3 called -- she called the police division first. She didn't
4 get no answer on Springlake Drive. She didn't get a answer.

5 Q Okay. Your daughter actually called the Springlake
6 Division?

7 A Oh, yeah, she called. She called. She called 'fore we
8 even left. We didn't get an answer. But then we called
9 downtown to the division and someone answered that division.

10 Q Is there a reason she didn't call 911 or do you know?

11 A At that point I don't -- I don't even know why we
12 didn't call 911. I just -- I just wanted to go to police.

13 A police --

14 Q Ms. Ligons, had she kind of taken what you guys were
15 going to do or were you still --

16 A No. No. No.

17 Q Okay.

18 A No. No. She was just thinking of -- because I was
19 just frantic. She was just helping me out, you know, I'm in
20 a state of mind at that point in time I wasn't even thinking
21 clearly because of what had just happened.

22 Q Okay. Did she make the phone calls or you make the
23 phone calls?

24 A She made the phone calls.

25 Q She made -- so she told you she called Springlake

1 Division?

2 A Yeah. Yeah.

3 Q And no one answered?

4 A Yes. Yes.

5 Q And then she called the --

6 A There was nobody answered.

7 Q -- main number to the Oklahoma City Police Department?

8 A Right, because I was there. No one answered.

9 Q No one answered.

10 A No one answered, sir.

11 Q So what happens next?

12 A We got the kids out of bed. Got them dressed. At this
13 point in time when we get dressed we all get in her SUV.
14 And Richard get in our car because he was getting ready to
15 go to work because he was gonna follow us to the police
16 station, halfway -- he was gonna be late for work and didn't
17 want to go all the way. But he wanted -- but he wind up
18 going all the way. But --

19 Q Where'd you go?

20 A We went to the Springlake police division.

21 Q Why'd you go there?

22 A To tell them what happened.

23 Q That's just where you thought you should go?

24 A Yeah, that's where I thought I should go. I didn't --

25 Q So you went back over to the east side?

1 A I went back to the east side; correct.

2 Q And Richard followed in his car because he was going to
3 work?

4 A In his car, yeah, he was following us in his car.

5 Q And his car is the red Grand Am?

6 A Correct.

7 Q Okay. When you get to Springlake what happens?

8 A We went inside the police division, it was dark. It
9 was no lights. We drove in, it was dark. Weren't no lights
10 nowhere like nobody been there. We try to go around to the
11 back but it was, like, locked up. But there wasn't anybody
12 there at the division. We didn't see anyone.

13 Q Okay. And let me understand what you -- when you say
14 you went in the division, you mean you went into the parking
15 lot?

16 A We went to the parking lot.

17 Q Okay.

18 A I'm sorry. Yeah. Went to the parking lot of the
19 division.

20 Q The lights -- you didn't see lights on in the division?

21 A No, it was -- it was black. It was no lights whatever.
22 No lights.

23 Q Did you try to get anybody's attention in there?

24 What'd you do?

25 A No, wasn't anybody attention to get. It was dark.

1 Nobody was even there.

2 Q So what'd you do then?

3 A We drove off. And we finna (sic) -- finna (sic)
4 head -- just driving, head on trying to -- just driving,
5 like, back towards her house it seemed like. I don't know
6 -- we -- we were just -- we just started driving. And right
7 there and Lincoln we saw two police officers sitting there
8 and they was, like, talking right there at that motel.

9 Q You're motioning with your hands. You mean one car was
10 parked one way --

11 A This way, uh-huh.

12 Q -- and one was parked the other -- the driver's sides
13 are close together?

14 A Uh-huh. We talk them right before we get on the
15 highway. We made a U-turn and went over there and talk to
16 them. We was telling them what happened.

17 Q When you saw those police officers -- I understand you
18 went --

19 THE COURT: Sir -- deputy, would you confiscate
20 that camera. The man's trying to take a picture. Thank
21 you.

22 Apologize. You may proceed.

23 Q (By Mr. Gieger) Ma'am, you see the police officers.
24 What goes through your mind that -- go tell them for help or
25 what are you thinking?

1 A What went crossing through my mind was I was afraid. I
2 didn't know if it was the man that did that. I was afraid
3 to talk to him. I didn't think I was finna to get in
4 another predicament.

5 Q Ms. Ligons, let me ask this question -- I didn't mean
6 to -- I didn't mean to interrupt but let me ask this
7 question: You say you saw these officers back on Lincoln?

8 A Correct.

9 Q Were you in the same location where the assault had
10 occurred or were you somewhere else on Lincoln?

11 A When I -- they were -- that's where the assault
12 occurred on Lincoln. It was like I was west. It was like
13 going, like, the highway east maybe. They was pointed like
14 they was at the motel, like, sitting in the front talking in
15 the parking lot.

16 Q So close to the same location?

17 A Yes, sir. Close to the same location.

18 Q Yesterday you had described the type of car, it had big
19 police letters on the side and you saw that?

20 A Yes.

21 Q Remember that?

22 A Yes, sir.

23 Q Were they the same type of cars or do you know?

24 A I think one was and other one wasn't, I'm not mistaken.

25 Q One was an older black-and-white kind of car?

1 A Uh-huh, I think the other one was a regular -- the
2 other one is a police car. That's why I thought it might've
3 been him. I remember that.

4 Q But nevertheless you stopped?

5 A I stopped.

6 Q And what happened whenever you stopped and made --
7 well, first of all was either one of those officers the same
8 officer that assaulted you?

9 A No, sir.

10 Q So what'd you do?

11 A I got out my daughter's car. Well, we both -- daughter
12 and I both got out. We was talking to the police officers
13 and tell them what happened. And they called the lieutenant
14 or some other guy and he came and did a report. We sitting
15 there wait for him. They told me I need to go to the
16 hospital. And I say: That's fine, I will go. So in the
17 process of waiting on the police officer we was sitting
18 there talking, they was making a report. They axed me to
19 get into the police car so they could do a report. And I
20 said I wasn't getting in without my sister's boyfriend. I
21 wasn't getting in another police car. And when I -- at
22 first when I did get --

23 Q Did you say your sister's boyfriend?

24 A I mean my daughter.

25 Q You daughter's boyfriend.

1 didn't even know that. I didn't know.

2 Q (By Mr. Adams) You did not know when that your
3 driver's license has been suspended?

4 A I didn't know they were suspended. I thought I paid
5 for the suspension. They told me I paid. They had sent me
6 a letter in the mail a long time ago when I was staying at
7 my mom's house, years ago, to turn in all my ID and
8 everything that was related to my driver's license until I
9 paid my driver license. And I paid it. That's why I can't
10 understand why the suspension is still there. And I went to
11 try to find out why and they say it's been so long ago they
12 couldn't pull it up. And said: Well, I paid it but they
13 say didn't have no record of it so I don't know.

14 Q (By Mr. Adams) So, Ms. Ligons, is it your testimony
15 here today that there is no reason whatsoever that your
16 driver's license should be under suspension?

17 A I don't think so.

18 MR. GIEGER: Objection, form of the question.
19 It's argumentative and it's not what she testified to.

20 THE COURT: All right. Overruled. You can answer
21 if you can.

22 Q (By Mr. Adams) Okay. The truth of the matter is,
23 Ms. Ligons, is you have not had a valid driver's license in
24 the State of Oklahoma for in excess of 30 years.

25 A If you say so, sir. I don't know -- I don't think it's

1 of that as well?

2 A Yes, schools that you want to go to that the department
3 can send you to. CLEET requires you -- the Council for Law
4 Enforcement Education and Training require so many hours.
5 We had a sex crimes CLEET had required us to have I think
6 six hours of sex crimes during one of our years of training.
7 And I actually wrote that program for the police department
8 and taught the trainers who were going to train it.

9 Q Detective Davis, you were assigned -- were you assigned
10 on June 18th of 2014, to the investigation of the case that
11 has led to us being here today?

12 A Yes.

13 Q How many months has that investigation spanned?

14 A Since court started really.

15 Q So basically since the reports started it's been
16 ongoing; is that fair?

17 A Yes.

18 Q I want to turn your attention then back to the morning
19 of June 18th, 2014.

20 A Okay.

21 Q How was it that you were first made aware that there
22 had been an allegation that an Oklahoma City police officer
23 had engaged in sexual misconduct with a civilian?

24 A I was on call -- the on-call detective for sex crimes.
25 And I got a phone call from the supervisor.

1 Q And it may be obvious what on call means but why don't
2 you tell us -- since you used that word, what does that mean
3 to be on call?

4 A We rotate. We're on call for a week at a time. And
5 that means you can be called out at any time, day or night,
6 to respond to -- to a call that meets our criteria. Those
7 would be a first-degree burglary/rape which means someone
8 has broken into your house and someone's been sexually
9 assaulted. If patrol is on something and they need a search
10 warrant to get into a house we have to respond to do the
11 search warrant. If someone is abducted and raped.

12 Q Let me ask this: Was this a call-out?

13 A Yes.

14 Q Okay. When did you get the call if you recall
15 approximately and what did you do upon receiving that first
16 information?

17 A It was at 4:00 in the morning.

18 Q 4:00 in the morning?

19 A Yes.

20 Q What did you do?

21 A We have one hour to respond. I responded to Southwest
22 Medical Center.

23 Q And at Southwest Medical Center did you come in contact
24 with Jannie Ligons?

25 A Yes.

1 Q Did you have an opportunity to interview Jannie Ligons
2 at that time?

3 A Yes.

4 Q Mr. Adams asked questions of Jannie Ligons in regards
5 to how many marijuana cigarettes she smoked, whether it was
6 one or two or took a hit off of one or -- do you remember
7 those questions?

8 A Yes.

9 Q What do you remember her saying to you about that?

10 A She had told me that she smoked marijuana at -- when
11 she was at Mac's house. She had made reference to two
12 marijuana cigarettes. She didn't tell me that she smoked
13 all of the two marijuana cigarettes. She had made reference
14 that she had smoked from -- that there were two in the house
15 and she had smoked from them.

16 Q And in fairness to Mr. Adams, what did you put in your
17 report about that?

18 A That she smoked two marijuana cigarettes.

19 Q All right. At that time in your investigation was it
20 significant to you if she smoked one or two marijuana
21 cigarettes that night?

22 A No, it was significant to --

23 Q What I mean is the difference between one marijuana
24 cigarette or two marijuana cigarettes, was that significant
25 to you? And I didn't mean to cut you off.

1 A No. No.

2 Q That was -- my question is the difference between one
3 and two, that distinction wasn't important to you?

4 A No.

5 Q Why not?

6 A It was important that she was truthful with me because
7 a lot of people don't want to tell you they were smoking
8 dope because they think they're going to get in trouble. So
9 that was important to me. And at this point I am
10 investigating a victim of a sexual assault. If she smoked
11 dope, she smoked dope. I'm not investigating that.

12 Q After you had an opportunity to interview Ms. Ligons at
13 the hospital, what did you do after that in furthering your
14 investigation? What was your next step if you recall?

15 A Went up to -- it's called Surety Insurance. I went up
16 there because that's right at 50th and Lincoln. And there
17 were cameras on the outside of the building so I went up to
18 see if we could get some type of video surveillance.

19 MR. GIEGER: May I approach, your Honor?

20 THE COURT: Yes.

21 Q (By Mr. Gieger) I'm going to go ahead and show you,
22 ma'am, Exhibits Number 70 through 73 inclusive, 83 -- I'm
23 sorry. 69 through 73 inclusive and 83. Can you take a
24 second and look at those photographs, please. Tell me if
25 you recognize the area that is depicted in those

1 photographs.

2 You know what, I'm going to pull 83 out for a
3 minute and I apologize for handing them to you all at once.
4 I just want you to look at 69 through 73 for now, please.

5 A Okay. Yes, I recognize them.

6 Q Is that the area that you described near the Old Surety
7 Life Insurance Company that you went to?

8 A Yes.

9 MR. GIEGER: Offer those exhibits, your Honor. 69
10 through 73.

11 MR. ADAMS: No objection, your Honor.

12 THE COURT: All right. State's Exhibit Number 69,
13 70, 71, 72, and 73 will be admitted without objection.

14 Q (By Mr. Gieger) I'm going to show you 69 first so you
15 can help me get oriented here a little bit. Can you see
16 that?

17 A I can.

18 Q Okay. You got your bearings and the directions and all
19 that?.

20 A Yes.

21 Q That's an overhead view obviously; correct?

22 A Correct.

23 Q What is it an overhead view of?

24 A Basically the intersection of 50th and -- Northeast
25 50th and Lincoln.

1 when I'm pointing right here do you actually see those
2 little dots that are on that building?

3 A Yes.

4 Q Are those dots cars?

5 A Yes.

6 Q So from this aerial photo -- and so the jury
7 understands this was taken off of Google Maps; correct?

8 A Correct.

9 Q It wasn't a photograph taken that you're aware of on
10 June 18th to show how things were?

11 A No.

12 Q All right. Then there's a large building right here
13 and it has -- it's labeled as well. Do you recall what that
14 building is?

15 A I may not say the words in the right order. It's like
16 the Oklahoma County Commissioners Association or something.

17 Q Had Ms. Ligons told you during your interview about the
18 location of the Northeast 50th and Lincoln intersection
19 being where the alleged crime had occurred?

20 A Yes.

21 Q Is that why you went there?

22 A Yes.

23 Q And when you went there you told me that you learned
24 about video surveillance at the Old Surety Life Insurance
25 Company. Tell me about that, please.