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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

APR 20 2016
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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 18TH DAY OF NOVEMBER, 2015,
BEFORE THE HONORABLE TIMOTHY R. HENDERSON,
DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,
OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME XI OF XVIII

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REPORTED BY: Kristin L. Taylor, RPR

2506-2762

1 Q And the extent of the sexual assault after hearing that
2 information from her was allegedly he touched her breast;
3 correct?

4 A Yes.

5 MR. GIEGER: That's all.

6 THE COURT: All right. Thank you, Detective. You
7 can step down.

8 Call your next witness.

9 MR. GIEGER: Rosetta Grate.

10 THE COURT: Ma'am, if you'd step before me. Raise
11 your right hand.

12 (Rosetta Grate was sworn.)

13 THE COURT: All right. If you'll have a seat over
14 here in this chair. Once you get situated, pull that
15 microphone right around in front of you. If you would state
16 your name and spell it for us, please.

17 THE WITNESS: Rosetta Ra'nee Grate.

18 R-O-S-E-T-T-A. Ra'nee, R-A-'-N-E-E. And then Grate,
19 G-R-A-T-E.

20 THE COURT: You may proceed.

21 MS. McCONNELL: Thank you, your Honor.

22 ROSETTA GRATE,
23 was called as a witness, after having been first duly sworn,
24 and testified as follows:

25 DIRECT EXAMINATION

1 woman. It might be a sister.

2 Q A sister. But it's not that house I just showed you --

3 A No.

4 Q -- State's 152.

5 All right. Do you recall what time of day it was
6 whenever the officer came up to that area?

7 A No, not specifically what time of day.

8 Q Okay. Well, do you recall the officer coming up?

9 A Yes.

10 Q Do you see the officer in the courtroom that approached
11 you that day?

12 A Yes.

13 Q Okay. Can you tell me where he's sitting and what he's
14 wearing, please.

15 A He's sitting right there.

16 Q Okay.

17 A With the aqua blue inside.

18 Q Aqua blue shirt?

19 A Yeah, on the inside.

20 MR. GIEGER: Ask the record to reflect
21 identification.

22 THE COURT: Record will so reflect.

23 Q (By Mr. Gieger) Ma'am, whenever the officer pulled up
24 tell me about -- did he say something to you?

25 A Yes.

1 Q Okay. What'd he tell -- what do you remember him
2 saying to you and how did you respond?

3 A He's like what am I doing. And I just remember I was
4 already, you know, knew I wasn't supposed to be in that
5 area. So I went ahead and said that I was getting high and
6 I wasn't supposed to be in this area.

7 Q And so he comes up, says what are you doing around
8 here?

9 A Yes.

10 Q Something to that effect. And you said that you're
11 getting high?

12 A Yes, sir.

13 Q You telling the truth?

14 A Yes.

15 Q Okay. Tell me about -- tell me more -- how'd that
16 conversation then go? Tell me about what you were doing,
17 those types of things.

18 A I told him that me and my boyfriend had got into it. I
19 had been -- and he told me that I wasn't supposed to be
20 going into the area, and I just left anyways. And then
21 every time --

22 Q So your boyfriend told you you're not supposed to be
23 going to that part of town?

24 A Yes.

25 Q Why did your boyfriend tell you that?

1 A Because he tries to help me in my program to try to
2 stay straight.

3 Q Does your boyfriend know what goes on over in that
4 area?

5 A Yes.

6 Q All right. But you went over anyway?

7 A Yes.

8 Q And were you engaged in prostitution that night?

9 A Yes.

10 Q Okay. Did you tell the officer you were engaging in
11 prostitution that night?

12 A Yes.

13 Q Tell me what you told him about that.

14 A I told him that every time I try to go home a date pick
15 me up.

16 Q What do you mean by that?

17 A Like, I'll start trying go home. And then a man will
18 pull over and pick me up and that -- you know, so I can do a
19 date with him.

20 Q That night, ma'am --

21 A Sell my body to him.

22 Q I understand.

23 A That's what date --

24 Q Thank you. And I understand that, thank you.

25 How many -- do you recall how many dates where you

1 had made some money through prostitution, bought some drugs
2 and then tried to leave and somebody else comes up and
3 offers money and -- how many times did that happen that day?

4 A Pretty much all day -- all day long.

5 Q Okay. Until this officer comes up?

6 A Yes.

7 Q Okay. So when the officer comes up do you tell him
8 basically what you just told me that you're trying to walk
9 home but every time I do I get a date?

10 A Right.

11 Q That's the way the conversation went?

12 A Yeah, and I told him, you know, that I was in a program
13 and my dude said that I wasn't supposed to be in that area
14 and I knew I need to get home.

15 Q So you essentially told him everything you've just told
16 me?

17 A Yes, sir.

18 Q Okay. What happened after that, ma'am?

19 A Then he was started checking my purse. My little black
20 purse on me. And I sat it on top of the car and --

21 Q On top of the police car?

22 A On top of his police car.

23 Q Do you remember what the police car looked like?

24 A Yes.

25 Q What did it look like?

1 A Black with white writing.

2 Q With white writing?

3 A Uh-huh.

4 Q Do you know what the writing said?

5 A It's police department.

6 Q Police?

7 A Yeah.

8 Q So you had a purse. You start looking through it or
9 the officer starts looking through it?

10 A He starts looking through it.

11 Q The officer starts looking through it?

12 A Uh-huh.

13 Q And then at some point you said something about it
14 being put on the car. Tell me about that.

15 A Yeah, he put it on top of the car. And that's when the
16 crack pipe was found.

17 Q Was there a crack pipe in your purse?

18 A Yes.

19 Q Yes?

20 A Uh-huh.

21 Q Okay. So he finds a crack pipe, the purse then is
22 placed on top of the police car. What happens next?

23 A And so I had -- the crack pipe -- he said -- I don't
24 know if that -- that was -- he asked me to throw the crack
25 pipe down and break it.

1 Q He asked you to do that?

2 A I think, yes, sir.

3 Q Okay. Did you do that?

4 A Yeah.

5 Q All right. Then what happened?

6 A And then basically he -- he offered the ride to the
7 house.

8 Q He offered you a ride to what house?

9 A To my house.

10 Q Okay. Tell me about --

11 A I told him every time I try to go home that, you know,
12 I get -- keep getting a date and getting picked up. And so,
13 you know, then he offered the ride; will I like a ride to
14 the house. And then I say, yes, I would because I was tired
15 anyways.

16 Q Okay. So did you get in the police car?

17 A Yes.

18 Q Had you had police officers give you rides home before?

19 A Yes.

20 Q All right. So you didn't think anything too much of
21 it?

22 A No.

23 Q Did you tell him where you lived?

24 A Yes.

25 Q Was it that same address that you told me a minute ago,

1 633 Culbertson?

2 A Yes.

3 Q Before he put you in the police car did he search you
4 in any way?

5 A No.

6 Q Where in the police car did you ride?

7 A In the back seat.

8 Q Okay. Do you remember which side of the car?

9 A Yeah, in the left side.

10 Q The driver's side?

11 A Uh-huh.

12 Q All right. Tell me about the drive home. What if
13 anything did you talk about or -- or how did it go? Tell me
14 --

15 A We was headed the wrong way at first because he was
16 coming -- facing south, you know, and so for a few
17 streets -- but I thought he knew where Culbertson was. I
18 was, like, well, are you still taking me home? He's like,
19 yeah. But at the same time that he was driving he was kind
20 of in and out. I wasn't paying attention, I was nervous.
21 But he was asking me, you know, what do I do out there? You
22 know, what's my specialty --

23 Q So --

24 A -- tryna get -- and then tryna ask questions about --

25 Q Hang on. I want to make sure I'm understanding you.

1 So he started going south on Jordan?

2 A No. No. Yeah. Yeah, on Jordan.

3 Q On Jordan. Okay. And that was concerning -- you said
4 you were nervous. Why were you nervous?

5 A Why was I nervous?

6 Q Yeah.

7 A Because, you know, that wasn't the right way. And so
8 that's, you know --

9 Q Did you say something to him about that at that point?

10 A Yes.

11 Q Or did you just let him keep going?

12 A No, I said something at that point.

13 Q What did you say?

14 A I said, are you still taking me to the house? And he's
15 like, yeah. And I said, well, Culbertson's the other way.
16 He's like, oh. But then like I said, he was caught up in
17 asking me about my specialty.

18 Q What did that mean?

19 A Like my head, oral performance.

20 Q Just -- just use the words he used and the words you
21 used.

22 A Yeah, how do I give -- what's my specialty? What --
23 what do I do the best.

24 Q As a prostitute?

25 A Yes.

1 Q And what'd you say?

2 A Head. I prefer to just give head.

3 Q You prefer to just give head?

4 A Uh-huh.

5 Q Did you tell him that?

6 A Yes.

7 Q Okay.

8 A And he started asking -- yeah, that's what I told him.

9 Q Then he started asking what?

10 A Like, you know, what I do. You know, how do I give it.

11 Q Did you describe it?

12 A Well, yeah, but I wasn't going in depth because I was
13 so nervous.

14 Q Tell me what you said.

15 A I was just, like, you know, just give it. And he was
16 just, like, okay. Because I wasn't paying attention to that
17 -- what he was, you know, actually doing. I was just so
18 nervous. Only thing I wanted to do was get to the house
19 because I didn't really know, you know, with him not going
20 the right way at the beginning and where was I going. I was
21 tryna just get home. So to be honest with you I don't
22 remember the real specific, I just remember that's what he
23 asked me.

24 Q Okay. At some point the direction of travel, did it
25 change so you weren't so nervous anymore about where --

1 A Yeah, because then he had -- when I had that up then he
2 made a right, which is facing westbound. And then, you
3 know, I told him how to get back to my house.

4 Q All right. All right. And then he went that
5 direction?

6 A Yes.

7 Q And is it during all this that you're having the
8 conversation about your specialty?

9 A Yes.

10 Q How long does that conversation last? Let me say, does
11 it last all the way until you get home or does it stop and
12 you start talking about something else?

13 A I don't remember if it lasted all the way to the house
14 to be honest with you. I just know that's what he kept
15 tryna ask and bring up.

16 Q Do you remember it being more than just one question?

17 A Yeah.

18 Q Okay. Do you remember anything else that was discussed
19 on the ride back to the house?

20 A No, I don't really remember that.

21 Q Okay. Well, eventually do you make it back to the
22 house?

23 A Yes.

24 Q Okay. Ma'am, when you get to the house can you tell me
25 -- tell us about what happened there, please.

1 A Okay. When we pull up to the house he pulls all the
2 way in the driveway. And I notice that my man wasn't home,
3 you know, because his car be -- he has three cars that he
4 usually parks one in the driveway.

5 Q Mr. Carter wasn't home?

6 A Yeah, Will wasn't home.

7 Q Will wasn't home.

8 A And Will was angry at me. Anyway so when he gets angry
9 sometimes he'll lock the door. And I just didn't know, but
10 I was just glad to be home. So when we got there and he
11 opens up my back door and I get out, I went on to get my
12 purse back. I said, where's my purse at? He's like, you
13 don't got it? I was like, no. And he starts searching in
14 the front. I'm like, no. And he's, like, well, I'll go
15 back and get it. And I was just like, my purse is not gonna
16 be there because that's a drug area. Just don't worry about
17 it. I didn't care about it no more. I was just ready to
18 get in the house.

19 Q Did you have money in your purse?

20 A No.

21 Q But you didn't think it would still be there?

22 A No, I had a -- I had my ID and my bus pass, the -- I
23 had my monthly bus pass in there. Just my makeup and stuff.
24 It was just a little bag.

25 Q But you told the officer don't go back and --

1 A Yeah, I told -- I said -- I knew it wasn't gonna be
2 there. Somebody was gonna pick that up.

3 Q You think he left it on top of the car?

4 A Yeah, he had to left it on top of the car if he didn't
5 have it.

6 Q But you weren't upset about that?

7 A Yeah, I mean, I was upset but I was, like, don't worry
8 about it. You know, I was just wanting to get rid of him
9 and get in the house.

10 Q This happened in the driveway?

11 A Yes.

12 Q As you're getting out of the police car?

13 A Yes.

14 Q All right. Ma'am, I asked you -- I asked you if he
15 searched you before he put you in the car. Did he put in
16 handcuffs or anything like that when he put you in the car?

17 A No.

18 Q All right. So after you had the conversation about the
19 purse, what happens after that?

20 A Then I start walking towards the front door. And I
21 notice that he's walking towards the front door with me.
22 And so when he followed me to the door and then I -- the
23 only thing I'm making -- making sure at this time is maybe
24 he don't think I live here and I don't know if Will's got
25 the door unlocked. So when I get there the door was

1 unlocked. And I was happy and I went in. I was thinking
2 he's gonna turn around thinking I didn't stay there since I
3 was hanging on a corner looking homeless. Will lives in a
4 pretty big house. And so when I went -- walked through the
5 door he's walking through the door with me. So I'm still
6 thinking maybe he doesn't think I stay here. So I start
7 showing him, you know, this is the living room.

8 Q And let me be real clear. So you know when you get
9 there that Will's not there because his car's gone?

10 A Yes.

11 Q Did you say anything to the officer about -- about
12 that?

13 A Yes.

14 Q That Will's not here?

15 A Uh-huh.

16 Q What did you tell the officer?

17 A I said, well, he's not here. But, you know --

18 Q Had you told the officer that you lived with your
19 boyfriend?

20 A Yes.

21 Q Okay. So that had happened some --

22 A Yeah, that -- that's what I was telling him on my
23 relapse that I had got into with --

24 Q That had happened from the very beginning?

25 A Uh-huh.

1 Q Okay. Before the car ride began?

2 A Yes.

3 Q Okay. And then when you arrived you realize Will's not
4 there and you actually remember saying to the officer before
5 you go in "Will's not here"?

6 A Yeah.

7 Q When he follows you in was that concerning to you?

8 A Yes.

9 Q Why?

10 A It was weird. But the only thing I could make logic to
11 is he didn't think that I really lived there.

12 Q Okay. The ID that you lost over on the 14th and Jordan
13 area, did it have that address of 633 Culbertson on it or
14 did it have another address or do you know?

15 A It didn't have Culbertson on it.

16 Q It didn't have that on it?

17 A Uh-huh.

18 Q Okay.

19 A The one I got now does.

20 Q You're in the living -- are you in the -- is it a --
21 describe the house to me. You said it's a big house a
22 minute ago. Tell me what the house is like.

23 A Yes. You got the living room when you walk in. Then
24 you got the dining room. Then you got the breakfast room.
25 Then you got the kitchen and then got up -- and the

1 bathroom. And then you go upstairs to the bedrooms.

2 Q Two-story house?

3 A Two story home.

4 Q The bedrooms are upstairs?

5 A Yeah, it's four bedrooms upstairs.

6 Q All right. So you're in the house. And you said
7 something about maybe being in the living room --

8 A Yeah.

9 Q -- at this point?

10 Tell me what -- pick up form there and tell me
11 what happens.

12 A So I was, like, you know, this is the living room and
13 this is the dining room. And -- but we still walked through
14 the living room part and I was, like, this is the kitchen.

15 Q Why were you giving him a tour saying this is this
16 room?

17 A I was nervous. And I didn't know what the situation --
18 you know, I didn't know if he thought -- you know, only
19 thing I'm thinking is he don't think I live here.

20 Q Was he saying anything to you?

21 A No, he wasn't saying nothing.

22 Q He wasn't saying anything?

23 A Huh-uh.

24 Q Okay. What happened next?

25 A So then Will -- I think that was my second time --

1 second or third time messing up. And so Will kicked me out
2 of the room and made me move in the bedroom next door. So
3 now we're in separate bedrooms.

4 Q I want to make sure I understand. It was your second
5 or third time of messing up meaning the second or third time
6 to relapse?

7 A Yes. Yes, sir.

8 Q And so Will had made you move into another bedroom
9 instead of sharing his room?

10 A Yeah. Yes.

11 Q Is that what you're telling me?

12 A Uh-huh.

13 Q All the bedrooms are upstairs though?

14 A Yes.

15 Q Okay.

16 A But there's only two with beds.

17 Q I understand. So you're downstairs and you told me
18 what you were thinking. So what happens next?

19 A So when we're walking upstairs and I'm thinking let me
20 make sure -- show him that I stay in my room. So this is
21 Will -- and I told him, you know, what Will did. I said,
22 but now I don't live in there now. I said I live over here
23 because he gets angry when --

24 Q Ms. Grate, did he ask -- did the officer ask to go
25 upstairs?

1 A No.

2 Q But you took him upstairs anyway?

3 A Yeah, he's still in the house.

4 Q And that's my question.

5 A He's not goin' nowhere.

6 Q Why -- why then after showing him the downstairs did
7 you decide to go upstairs because --

8 A I'm thinking he still doesn't think that I live here.

9 I just -- I'm nervous. I'm not really thinking of nothing
10 but -- I'll just show him that I live here and then --

11 Q Are you trying to prove to him that you live here --

12 A Yes.

13 Q -- by showing him around the house?

14 A Ye.

15 Q Okay. So you go upstairs?

16 A Yes.

17 Q What happens?

18 A Then when I explain to him that --

19 Q I'm sorry?

20 A (Long pause.)

21 Q Ms. Grate, you're walking upstairs; right?

22 A Uh-huh.

23 Q You get to where the bedrooms are?

24 A Yes.

25 Q Do you remember what happens when you get to that spot?

1 A (No audible response.)

2 Q Can you tell me about it?

3 A Yes. So I was like, you know, I told him that this
4 is -- Will got angry at me and so this is where I'm at now.
5 And then he's like, have a seat.

6 Q So you showed him the other bedroom?

7 A Yes.

8 Q And then the officer said have a seat?

9 A Have a seat. He said this is -- and he's unzipping his
10 zipper where his penis is at. He said, this is better than
11 county jail. And so then he takes out the penis and places
12 it in my mouth.

13 Q When he said "have a seat," where were you?

14 A On my bed.

15 Q Not in Mr. Carter's bedroom but in the other bedroom?

16 A Yes.

17 Q You sat on the bed?

18 A Uh-huh.

19 Q Is it your memory, ma'am, that the first thing the
20 officer said upon entering the house was to have a seat when
21 you got upstairs and then "this is better than the county,"
22 that's the only conversation you had with him?

23 A Yes.

24 Q And, ma'am, it may be obvious but because she's writing
25 it down I want to make sure. Whenever he did that, and says

1 "this is better than the county," what did you take it that
2 you needed to do or were supposed to do?

3 A Perform oral sex on him.

4 Q And because of the words he said what did you think
5 would happen if you refused?

6 A I didn't even really give that a question because of
7 the situation. It was --

8 Q Did you do it?

9 A Yes.

10 Q His penis go in your mouth?

11 A Yes.

12 Q You said he unzipped his pants, ma'am. The officer
13 that -- when he had come in contact with you was he in an
14 officer's uniform?

15 A Yes.

16 Q Did he have a gun belt on --

17 A Yes.

18 Q -- and all that stuff?

19 A He had his gun on him.

20 Q So when he unzipped his pants did he take that gun belt
21 off --

22 A No.

23 Q -- and do something with it? It stayed on?

24 A It stayed on. The gun stayed on because I was looking
25 at the gun the whole time, asking him to, you know, could

1 you move the gun to at least protect the --

2 Q So -- and I don't mean to have been graphic and it's
3 obvious but I want to make sure that the record's clear.
4 His penis is exposed, it goes in your mouth and it's
5 sticking out of his fly?

6 A Uh-huh.

7 Q And his gun and his gun belt is still on right here?

8 A Uh-huh.

9 Q So is his gun close to your face?

10 A (No audible response.)

11 Q You got to answer out loud.

12 A Yes, sir.

13 Q So I think you indicated you said something to him
14 about that. Did you say something to him about that?

15 A Yes.

16 Q And what did you say?

17 A I said, could you move your gun? And he just kept
18 going. He never really said nothing, he just kept going,
19 moving his body.

20 Q He was moving his body?

21 A Yeah, I mean -- yeah, moving so he could -- moving his
22 body so his penis could --

23 Q His penis was moving in your mouth?

24 A Yes.

25 Q How long did that last, ma'am?

1 A About five, ten minutes.

2 Q Do you know if he ejaculated?

3 A No, he didn't ejaculate.

4 Q He did not?

5 A No.

6 Q Why did that stop?

7 A Because --

8 Q The oral.

9 A -- he told me when he pulled it out he wants me to lay
10 back on my back now.

11 Q On the bed?

12 A Uh-huh.

13 Q Did you?

14 A Yes.

15 Q What happened then?

16 A Then he just gets right on top of me. Sticks his penis
17 right in my vagina.

18 Q What were you wearing?

19 A I really don't remember. I don't remember.

20 Q Well, obviously your vagina --

21 A It was a -- yeah, open. Available.

22 Q That's what I'm asking. How would your -- how did your
23 privates get exposed?

24 A It had to be a little dress on then. I had to have a
25 dress on then because I don't -- I didn't pull nothing down.

1 Q You think you had a dress on?

2 A I think so.

3 Q Were you wearing underwear?

4 A No, not in that profession. I normally don't keep
5 underwear.

6 Q Does it get in the way in that profession?

7 A Yes, or I lose it or it disappears.

8 Q Penis goes in your vagina?

9 A Yes.

10 Q About how long does that last?

11 A About another five or ten minutes.

12 Q Do you remember if he ejaculated?

13 A No, he just kind of -- he started looking back
14 because -- in that room facing the driveway and stuff. I
15 don't really know what he thought about but you could see
16 that he was serious and, you know, he jumped up, pulled --
17 zipped his pants up and left.

18 Q So something happened that made him stop?

19 A Uh-huh.

20 Q You're not sure what it was?

21 A (No audible response.)

22 Q Was there a sound? You said he looked back -- did you
23 --

24 A Yeah, he was kinda looking out the window and then he
25 just -- you know, because maybe he got a thought or maybe he