

1 step down.

2 THE WITNESS: Thank you.

3 THE COURT: Call your next witness.

4 MS. McCONNELL: The State calls Rocky Gregory.

5 (Detective Rocky Gregory was sworn.)

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

10 THE WITNESS: It's Rocky Gregory. R-O-C-K-Y,
11 G-R-E-G-O-R-Y.

12 THE COURT: All right. Thank you.

13 Ms. McConnell, you may proceed.

14 MS. McCONNELL: Thank you, your Honor.

15 DETECTIVE ROCKY GREGORY,
16 was called as a witness, after having been first duly sworn,
17 and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. McCONNELL:

20 Q Detective Gregory, how are you currently employed?

21 A With the City of Oklahoma City Police Department.

22 Q And how long have you so been employed?

23 A I've been an officer since 2000.

24 Q And how long have you been a detective, sir?

25 A About nine years.

1 Q And so how long have you been a sex crimes detective in
2 total?

3 A Almost seven years.

4 Q Were you a sex crimes detective back in 2014?

5 A Yes.

6 Q Because you told me you didn't become a homicide
7 detective until January of 2015; did I get that right, sir?

8 A That's correct.

9 Q Okay. Thank you.

10 On September 19th of 2014, did Shardayreon Hill
11 contact you?

12 A Yes.

13 Q And what was her purpose in contacting you if you know,
14 sir?

15 A She actually contacted the sex crimes unit and I was
16 placed in contact with her. Shardayreon had advised that
17 she was sexually assaulted by an officer. She actually said
18 the name Officer Holtzclaw. And at that time I asked her to
19 come down to police headquarters so we could finally kind of
20 go over -- do an interview.

21 Q Was Officer Holtzclaw a name that you had been familiar
22 with during your time as a sex crimes investigator at that
23 point?

24 A Yes.

25 Q Had there been news coverage prior to the time that

1 hearing of the jury.)

2 THE COURT: All right. Call your next witness.

3 MR. GIEGER: Detective Gregory.

4 THE COURT: Detective Gregory, let me remind you
5 you're still under oath.

6 You may proceed.

7 MR. GIEGER: Thank you, your Honor.

8 DETECTIVE ROCKY GREGORY,
9 was called as a witness, after having been previously duly
10 sworn, and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. GIEGER:

13 Q Detective, when did you become involved with
14 investigating the allegations made by Tabitha Barnes?

15 A It was I believe in August.

16 Q Of 2014?

17 A I believe so.

18 Q All right. Sir, and how did you come in contact with
19 her? Why did you make that initial contact?

20 A We had an investigation in reference to Officer
21 Holtzclaw possibly assaulting other victims. We put
22 together a list of any female that he came in contact with.
23 After we started seeing kind of a pattern that there was
24 more and more victims. So then we decided to go out and
25 start double-checking to see if we had even more victims

1 from what we originally thought we had. And Tabitha Barnes
2 was on the list that I had of a subject that he came in
3 contact with.

4 Q How was that list prepared? Because this -- would this
5 be relevant for other ladies who may testify in this trial
6 as well who are alleged victims?

7 A Absolutely, yes.

8 Q And how is -- how was that list prepared if you recall
9 which you then began looking at to determine if they needed
10 to be made contact with?

11 A Well, Detective Davis and I's supervisor, Tim Muzny had
12 went through this list of -- it's a Varuna checklist that we
13 talked about before -- of females that he's come in contact
14 with and ran. And that was our very first list. Lieutenant
15 Muzny went down through that list and had verified some
16 females that had, like, a past history, maybe prostitution
17 or had some kind of drug problems, drug arrests. And so
18 that's kind of the list we started off in the very
19 beginning.

20 Q And Varuna is the -- is the database that the jury's
21 heard about already that shows if a report's been entered or
22 if a field contact has been made, those types of things.

23 A That's correct.

24 Q All right. From that list was Tabitha Barnes
25 identified as someone that you felt should be contacted to

1 see if anything -- if she had any relevant information?

2 A Yes.

3 Q And did you do that?

4 A Yes, I did.

5 Q You heard Mr. Adams ask a little bit about the first
6 contact and -- and how that occurred. Can you just briefly
7 kind of tell me how it is that you got to where you could
8 interview her and talk about what had happened?

9 A I believe I tried to make phone calls first with no
10 luck. Seemed like the phone calls -- was disconnected or
11 phone lines that we had for a number. So I -- on that
12 August day I went to her residence at 1530 Northeast 15th
13 and had come in contact with her. Just knocked on her door,
14 met her then.

15 Q And what was her demeanor and how'd that go?

16 A Right off the bat she just kind of gave me a look like,
17 what are you doing here. And you could just kind of see her
18 wheels spinning a little bit. And I just -- I basically
19 told her -- I said that, you know, we had a tip that maybe
20 that you were sexually assaulted. And just kind of put it
21 like that. And her head just sunk down and she said: Who
22 told you? And then we went from there.

23 Q Let me ask you, Detective, why would you interject the
24 concept of I'm investigating a sexual assault? Why would
25 you just not make contact with her, take some generic

1 we can get a fair trial here. But I can hear it and it's
2 been going on ever since this morning when I was
3 cross-examining Detective Gregory. I was hoping it would
4 just die out, but now I don't -- I don't know how they know
5 this but I'm up here making a record and they've just
6 stopped as I was approaching. It's going on and off all
7 morning. I'm just noting it for the record.

8 THE COURT: Clearly the Court can hear it as well
9 and probably the jury can hear it as well. I was informed
10 several weeks ago from Mr. Prater, the District Attorney of
11 Oklahoma County, that he had talked with someone who was an
12 organizer of the protests that they'd actually got a permit
13 to protest. But I don't know really what can be done other
14 than to admonish the jury to disregard anything that they --

15 MR. ADAMS: Judge, it would be my -- if they're
16 disrupting the court system, which they clearly are because
17 I can't hear as Mr. Holtzclaw's defense lawyer. It's being
18 disruptive. And they may have the right to protest but they
19 certainly have no right to disrupt our business that we're
20 conducting in this courtroom. And it is very distracting
21 also. But I would ask that they be told to either move away
22 to where it isn't disruptive to us or that they make no
23 other verbal commands so that we can -- just so it's not
24 being disruptive. I understand they have the right to
25 protest, it's just they don't have a right to disrupt these

1 proceedings.

2 THE COURT: Well, I would agree with you
3 100 percent with that, in my opinion, but I'm not sure that
4 they can't stand outside on a sidewalk and -- I mean, I
5 don't think there's any megaphones but it's clearly audible
6 in the courtroom, I'll give you that. So we'll look into it
7 over the break a little bit more and we'll see because I
8 don't know exactly where they are. They've got a street
9 completely blocked off so they're probably on the sidewalk
10 or right outside this courtroom which is on the second
11 floor.

12 MR. ADAMS: I understand. I just -- I thought the
13 record needs to reflect what was going on, Judge.

14 (The following continued within the
15 hearing of the jury.)

16 THE COURT: All right. Ladies and gentlemen,
17 obviously you've -- well, I would assume that you've heard
18 the protest or chanting or whatever it is outside the
19 courtroom. You've got to understand that I'm going to
20 admonish you to disregard that as best you can. I'm not --
21 I can't order you to not hear it, but you understand that
22 that has nothing to do with what goes on in this courtroom.
23 I've paid close attention and I know each and every one of
24 you have been very attentive throughout these proceedings
25 and I appreciate that and just would admonish you to

1 disregard as best you can anything that is yelled outside
2 the courtroom. It's obviously outside on the sidewalk
3 somewhere. We're on the second floor. So -- and I'd ask
4 you to do that.

5 Thank you.

6 All right. Mr. Gieger, you may continue.

7 MR. GIEGER: Thank you, your Honor.

8 Q (By Mr. Gieger) Ms. Mathis, when we got interrupted --
9 tell me how many times in total you remember being contacted
10 by the police officer?

11 A This one? At least three times.

12 Q Three times.

13 Okay. You were telling me about the time that he
14 helped you up and his hand groped your breast. In numbering
15 one, two and three, which of those is it?

16 A That was the second one.

17 Q The second time.

18 Okay. So when -- then you said that a car came by
19 and something happened -- there was some movement or someone
20 was coming and then I asked you what had happened -- what
21 happened as a result of that I think is whenever we had to
22 stop for a minute. What --

23 A He finished taking the cuffs off of me.

24 Q Okay.

25 A And I walked across the park.

1 approached anything in reference to this case she just --
2 she wanted nothing to do with it.

3 Q So any time you tried to ask her any questions about
4 what had happened with the officer, that's when she -- what
5 would she do?

6 A Right, she -- Terri was basically -- she was on a crack
7 high then. She was very difficult dealing with her. She
8 paced. She was walking around. She wasn't belligerent with
9 me. She was at least cordial enough, but she was crying.
10 She was upset. She kept saying she was scared in reference
11 to what happened. And I -- so I tried to limit my questions
12 trying to figure out -- because the police reports I had I
13 had lots of questions on so I tried to narrow it down as far
14 as, like, where the location was. She spoke about this
15 mission to the officers. And I started hitting her up about
16 where the location was. And she just -- she would barely
17 answer. And then she said I don't want to do anything. You
18 know, I -- I even presented like a photo line-up to her
19 seeing if maybe she could point out, you know.

20 Q You attempted to do that?

21 A I attempted but she didn't want to look at it.

22 Q The form that you told the jury about, the refusal to
23 prosecute form, did Terri Morris sign one on that day?

24 A She did.

25 Q And then she left the police department, she was free

1 to go?

2 A Yes, that's correct.

3 Q Did you have another contact with her after this time?

4 A Yes.

5 Q Was that on June 24th, 2014?

6 A Yes, it was.

7 Q Even though she'd signed this refusal to prosecute
8 form, why would you contact her again?

9 A Well, I felt like that there was even kind of -- just
10 interviewing hundreds of victims throughout the years I felt
11 like there was a little something there. But I told Terri,
12 I'm never gonna push you into doing anything you don't want
13 to do. That's why I offered the refusal to prosecute.

14 Well, then we come across the second victim, Jannie Ligons.

15 Q And just to clarify, do you mean the second victim who
16 came forward?

17 A That's correct.

18 Q Not the second chronologically in when the events
19 happened?

20 A Right, second victim that came forward on the 18th.

21 And that one was Detective Davis' case. We compared and it
22 just -- a lot resembled the case of what limited information
23 that I have from Terri on the officer that assaulted her.

24 The descriptions were matching up extremely similar. And
25 also the actions taken that both victims had informed that

1 happened. So I felt like it was -- I didn't know if we had
2 a serial rapist or what was going on, so I felt like it was
3 in the best interest of public health that I go and talk to
4 Terri again.

5 Q Whenever you make contact with Terri Morris the second
6 time in June 24th, 2014, was it equally hard to find her as
7 it was the first time?

8 A Yes.

9 Q And did you use the same method generally?

10 A The exact same method.

11 Q Whenever you find her is she at the police department
12 on that second date?

13 A She is not. The informant advised the officers where
14 she was. She was walking around Northeast 21st and Kelley
15 area. They detained her. I went over there. I approached
16 her at that time.

17 Q Okay. And so you spoke with her out in the field?

18 A Yes, I did.

19 Q This time did Terri Morris cooperate more with you?

20 A Yes, just as soon as Terri saw me her first words out
21 of her mouth was: He did it again, didn't he? And I told
22 her -- I said: It's possible. And so I told her I really
23 want to talk with you and -- and try to get more
24 information. She -- she said she'd talk with me.

25 MR. ADAMS: Your Honor, I would object at this

1 time to anything she may have said as hearsay.

2 THE COURT: All right. Sustained.

3 Q (By Ms. McConnell) And unlike the first time that you
4 interviewed her on June 3rd when she wouldn't give you any
5 information as to what happened with this officer, did she
6 give you information on June 24th?

7 A Yes.

8 Q When she gave you the information were you able to show
9 her a line-up on that date?

10 A Yes.

11 Q And are you the one who shows the line-up?

12 A No, our policy of what we have for line-ups, anybody
13 just directly involved with the case is not allowed to show
14 the line-up.

15 Q Why?

16 A It's -- it's to not show prejudice. You bring in
17 somebody to -- instead of, you know, just kind of showing
18 pictures, like, hey, look at this one, this one right here.
19 Well, we don't want that. So we just -- I just kind of
20 grabbed another detective out of another unit and who didn't
21 have a clue about it and I'm, like, hey, would you show
22 this.

23 Q Are you present whenever this line-up is shown to Terri
24 Morris?

25 A I am not.

1 Q What is Terri's reaction whenever she's shown the
2 line-up?

3 A Well, I don't know, I wasn't there. I was --

4 Q Well, and let me ask a better question, Detective.
5 Were you there immediately before she was shown the line-up?

6 A Yes, I was.

7 Q And did you instruct her that this officer is gonna
8 show you a line-up?

9 A Yes, I did. I made introductions.

10 Q What was her reaction to that?

11 A I think she was hesitant in going through that. I
12 considered Terri kind of on a half crack high for the day.
13 So she would be cooperative and she wouldn't. I don't
14 really recall exactly what she said specifically in
15 reference to when I -- I made the introduction.

16 Q Sure. During this time when you meet with Terri Morris
17 on June 24th of '14, does she give you information about
18 having been picked up by this officer at City Rescue
19 Mission?

20 MR. ADAMS: Judge, just object to the form of the
21 question. It's leading.

22 THE COURT: All right. Rephrase your question.

23 Q (By Ms. McConnell) Did Terri Morris give you
24 information as to where she was stopped by this officer?

25 A Yes, on this second contact with me she did advise it

1 was maybe a couple blocks away from the City Rescue Mission.

2 Q Is that -- is that in downtown Oklahoma City?

3 A Yes, it is.

4 Q Whenever you spoke with Terri Morris on June 24th, did
5 you -- had you pulled the AVL for any contact between
6 Officer Holtzclaw and Terri Morris?

7 A Not at that time. The -- basically what we had done in
8 reference to Terri, I went back looking at who had, like,
9 ran her; the CIU and the Varuna that we talked about. There
10 was -- there was a stop on, like, April the 11th by another
11 officer and then May 8th was the last time she was stopped.
12 And that was Officer Holtzclaw. I had nothing around the
13 time that she was talking about around the 20th, 21st of
14 May.

15 Q Did you meet with Terri Morris yet a third time?

16 A Yes, I did.

17 Q And was that sometime during July, 2014?

18 A Yes, it was.

19 Q What was your purpose in meeting with her that time?

20 A Detective Davis and I knew we had some DNA of an
21 unknown female on the inside of Officer Holtzclaw's pants
22 and we had not found that -- that subject, that DNA.

23 Q At that point in time?

24 A At that point in time. So I knew I didn't get an
25 opportunity to ask Terri for her buccal swabs to compare it.

1 you the last time you spoke?

2 A Yes, she did.

3 Q How so?

4 A The location.

5 Q Okay. Before when she had told you City Rescue, did
6 she tell you another location about where this officer
7 stopped her?

8 MR. ADAMS: Object to the form, your Honor. It's
9 leading and it also calls for a hearsay response.

10 THE COURT: I'll sustain it as to leading at this
11 point.

12 Q (By Mr. Gieger) Did she give you information
13 inconsistent with the City Rescue information that she'd
14 given you before?

15 A Yes, she did.

16 MR. ADAMS: Same objection.

17 THE COURT: All right. Overruled.

18 Q (By Ms. McConnell) Whenever you found out the
19 information that she gave you regarding the -- was it about
20 the new location?

21 A Yes.

22 Q What did you do at that point with that information?

23 A She advised -- she advised of the new location. She
24 told me the direction that Officer Holtzclaw had went. We
25 kind of covered the story again. She said she could show

1 me. Lieutenant Muzny and I then checked her out of the
2 county jail and we took a drive up to the location and just
3 had her direct us where to go and she talked me through it.

4 Q And to be clear, Detective, when you say you checked
5 her out of jail, did you check her back in after you went to
6 that location?

7 A Yes. Yes, I did.

8 Q During this -- the third interview at the jail in July
9 with Terri Morris, was the subject of rehab brought up?

10 A She -- she brought up rehab, like -- yeah, she brought
11 up rehab pretty early in the conversation. I think we just
12 about sat down there and she brought it up.

13 Q And was she -- was she in jail for a misdemeanor charge
14 at that point in time?

15 A I believe so.

16 Q Did you offer her anything on her charges to get her to
17 speak with you on that date?

18 A No, and I -- I told her -- I told Terri, I was like:
19 I'm not -- I can check into rehab whether you testify or
20 not. I didn't know really what she was wanting at that
21 time. I said: I can definitely, you know, talk to people
22 about it. But I let her know that I had -- you know, wasn't
23 in charge of that at all. And she acted like she
24 understood.

25 Q Detective Gregory, did you hear Ms. Morris testify

1 today that it was you and Mr. Gieger who went to the county
2 jail to meet with her in July?

3 A Yes.

4 Q Was it in fact you and Mr. Gieger who went with her?

5 A No.

6 Q Went to meet her?

7 A No.

8 Q Who was it?

9 A It was Lieutenant Muzny.

10 Q And you told me that you received some different
11 information about location from Terri Morris on this date.
12 What did you do with that information?

13 A After she had advised me of the direction that she was
14 taken in Officer Holtzclaw's car. I checked her back into
15 the county jail. I went back to my office and then I made
16 contact with Joe Hill in reference to the AVL. And then I
17 compared at that time what Terri said, compared it with the
18 AVL on May 8th as she was claiming.

19 Q And the information that she gave you on this July,
20 2014 interview, did it seem to match the AVL information
21 that you received from Joe Hill?

22 A Yes.

23 Q Was it concerning to you in your investigation that
24 Ms. Morris had given you incorrect information back in June
25 about where she was picked up?

1 A Yes, she lied. And it's always concerning when
2 someone -- a victim or suspect or anybody just lies to you.

3 Q Was it concerning to you whenever you found that her
4 second story matched with the AVL?

5 A No, she explained herself to me, I felt like, why she
6 lied to keep it from her boyfriend. And at that time at
7 jail -- she'd been in jail for a few days and I was speaking
8 with kind of clean, no-crack Terri. And so I felt like she
9 had a clear mind and -- and things checked out.

10 Q You told me, Detective Gregory, that you had had the
11 opportunity to pull Varuna and CIU records from the time
12 period for Terri Morris?

13 A Yes.

14 MS. McCONNELL: May I approach the witness, your
15 Honor?

16 THE COURT: May approach.

17 Q (By Ms. McConnell) I'm handing you, Detective Gregory,
18 what's marked as State's Exhibit 310 and 313. Are those the
19 Varuna and CIU records that you pulled?

20 A Yes, it is.

21 MS. McCONNELL: Your Honor, the State would move
22 to admit State's Exhibit 310 and 313.

23 MR. ADAMS: Your Honor, we object. At this time
24 I'd ask to approach.

25 THE COURT: All right.

1 may have a tendency to prove a matter that's in dispute of
2 this issue. And I know the charging document, the
3 Information, which I recognize is not evidence but it does
4 put the defendant on notice that it was the May 8th, I
5 believe, situation.

6 (The following continued within the
7 hearing of the jury.)

8 THE COURT: All right. State's Exhibit Number 310
9 and 313 will be admitted.

10 MS. McCONNELL: May I publish, your Honor?

11 THE COURT: You may.

12 Q (By Ms. McConnell) Detective, I'm showing you what's
13 marked as State's Exhibit 310. Is this the CIU sheet?

14 A Yes, it is.

15 Q And specifically do we see Officer Holtzclaw,
16 2Charlie45, ran Terri Morris?

17 A Yes.

18 Q And the CIU sheet is from May 8th, 2014?

19 A Yes, it is.

20 Q Sometime after 20:10 hours?

21 A Yes.

22 Q So 8:10 p.m.?

23 A Yes.

24 Q Okay. And looking at State's Exhibit 313, is this a
25 Varuna sheet?

1 Q And where is that in relation to Liberty Station
2 Apartments and Capitol Crossing Apartments that we've heard
3 testimony about?

4 A Liberty Station is like in the 700 block you could say
5 of Northeast 26th. So we're talking over a mile away.

6 Q Okay. Is Northeast 24th Street around the area of
7 Northeast 24th and Highland?

8 A Yes.

9 Q Okay. And how many miles approximately is that between
10 Lindsay and Highland?

11 A I'm just kind of guessing, about a mile.

12 Q More than one?

13 A Yes.

14 Q And through your experience as an Oklahoma City police
15 officer do you know Officer Jeff Sellers?

16 A Yes, a little bit.

17 Q Based on your interview with Terri Morris did he fit or
18 not fit the general description that Terri Morris gave to
19 you of the officer?

20 A No, he did not.

21 Q How not?

22 A His hair was different, he wasn't muscular, complexion
23 was different. Just the features that she was presenting
24 me, especially on our third contact, it didn't match.

25 Q Was that significant to you?

1 drove -- whenever you checked her out from jail and drove
2 around to get an idea of Officer Holtzclaw's route?

3 A Yes, we did go over there to Urban League Court, yes.

4 Q You've already testified based on State's Exhibit 307
5 that -- well, in looking at State's Exhibit 307 is this the
6 26th and Kelley area right here (indicating)?

7 A Yes, it is.

8 Q Before talking to Terri Morris on July 10th of 2014
9 were -- did you have any information as to whether Officer
10 Holtzclaw had gone to 26th and Kelley?

11 A No, I did not.

12 Q Based on your investigation is there any way that Terri
13 Morris would have to know that Officer Holtzclaw went to
14 26th and Kelley?

15 A No, not unless she was with him.

16 Q Does Officer Sellers resemble Officer Holtzclaw?

17 A No.

18 Q How do they differ in appearance?

19 A His build's not as muscular. He has lighter brown hair
20 compared to Officer Holtzclaw having darker hair. Their
21 facial features are different.

22 Q Whenever Mr. Adams asked you if Officer Sellers was in
23 the line-up that was shown to Terri Morris; do you remember
24 that line of questioning?

25 A Yes.

1 Q Through your time as an Oklahoma City police officer
2 have you assembled line-ups?

3 A Yes, I have.

4 Q Whenever you assemble a line-up what are you trying to
5 do?

6 A We're trying to -- basically what we do is we get six
7 pictures together and then we have who we think maybe is the
8 possible suspect somewhere in the middle of them. And we're
9 just trying to see if the victim can verify that is who we
10 think it is.

11 Q And these six pictures of people, are you trying to get
12 people who look similar or who look different?

13 A Similar.

14 Q When Officer Sellers was in contact with Terri Morris
15 back in April of 2014, was he at Liberty Station Apartments?

16 A No.

17 Q Was he at 24th and Lindsay area?

18 A No.

19 Q Was he at the field that we've seen, State's Exhibit
20 305, at Hill and Phillips?

21 A No.

22 Q Was he at 26th and Kelley?

23 A No.

24 Q Was that significant to you?

25 A Yes, that's -- Terri's the one who pointed out this is