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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 25TH DAY OF NOVEMBER, 2015,

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME XIV OF XVIII

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MAY 26 2016

ATTORNEY GENERAL

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

REPORTED BY: Kristin L. Taylor, RPR

3260-2477

1 after they testified coming in. And, again, I never said
2 anything because it wasn't that big of an issue to me. But
3 all I'd ask now is in the future -- I don't think it's that
4 big of a deal just to tell them they're under subpoena,
5 they're not allowed in the courtroom until they've been
6 fully released and just leave it at that.

7 THE COURT: Fair enough.

8 (The following continued within the
9 hearing of the jury.)

10 THE COURT: All right. Mr. Gieger, you may
11 proceed.

12 SYRITA BOWEN,
13 was called as a witness, after having been first duly sworn,
14 and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. GIEGER:

17 Q Ms. Bowen, I want to turn your attention back if I can
18 to the year 2014. Do you remember that year, ma'am? Last
19 year? Do you remember?

20 A Some of it, yeah.

21 Q Okay. I don't expect that you'll remember everything
22 that happened -- let me ask a better question. Where were
23 you living in 2014, what part of town?

24 A Northeast.

25 Q And specifically, ma'am, who were you living with?

1 A Where I was?

2 Q Yes, ma'am.

3 A Walking down the street. Leaving my mom's house
4 walking down the street.

5 Q Okay. So you were in the area of Northeast 12th
6 Street.

7 A Leaving 12th Street.

8 MR. ADAMS: Judge, I'd object to the leading
9 nature of the questions.

10 THE COURT: All right. Don't lead the witness.

11 Q (By Mr. Gieger) Did you tell me your mother lived on
12 12th Street, ma'am?

13 A Uh-huh. Yes.

14 Q Okay. And when you say you were leaving your mom's
15 house is that the street that you were leaving from.

16 Do you understand me?

17 A Can you phrase that a -- yeah, I was leaving 12th
18 Street. That didn't sound right to me. Okay. Yeah. I
19 was -- yeah, repeat the question, please.

20 Q Yes, ma'am. Your mom lives on 12th Street.

21 A Right. No, she doesn't anymore but she did, yeah.

22 Q Okay. At that time is that the house you were leaving?

23 A Yes, sir.

24 Q All right. And where were you going?

25 A To my uncle --

1 MR. ADAMS: I'd just ask for a date, your Honor.
2 We just know it's 2014.

3 THE COURT: Well, that's up to him.

4 THE WITNESS: Been two years ago really, yeah.

5 THE COURT: Whatever he wants to ask.

6 Q (By Mr. Gieger) Ma'am, do you remember this time being
7 in May of 2014?

8 MR. ADAMS: Your Honor, I object to the form of
9 the question; it's leading and suggestive.

10 THE COURT: Don't lead the witness. Sustained.

11 Q (By Mr. Gieger) Ma'am, do you know the date specific?

12 A No, I don't.

13 Q All right. Do you know what time of year it was?

14 A Summertime. It was after my birthday, I know that.

15 Q Okay. When's your birthday?

16 A May 14.

17 Q About how long after your birthday was it, ma'am?

18 A I don't know. About a week or so.

19 Q About a week or so after your birthday?

20 A Yeah.

21 Q All right. So that would put it about May 21st?

22 A Somewhere.

23 Q All right. So on May 21st of 2014, you were leaving
24 your mother's house.

25 A Uh-huh.

1 Q All right. And where were you going?

2 A To my uncle Larry's house.

3 Q All right. Does he live close to your mom?

4 A Yes, in the same neighborhood.

5 Q Within walking distance?

6 A Uh-huh.

7 Q When you were leaving your mother's house on the 21st
8 of May, 2014, about what time was it?

9 A Early in the -- well, after 12:00, 1:00, 2:00, 3:00 in
10 the --

11 Q You said several different times there. Okay. You
12 said --

13 A After 12:00, maybe --

14 Q After 12:00?

15 A 1:00, 2:00, 3:00 in the morning. Is that reasonable?

16 Q After 12:00 midnight?

17 A Yes, sir.

18 Q All right. Ma'am, well, there's a 12:00 a.m. and a
19 12:00 p.m.

20 A I said after 12:00, 1:00, 2:00, 3:00 in the morning so
21 that would be, what?

22 Thank you. Come on.

23 Q All right. What happened as you were leaving sometime
24 during that time period?

25 A I was walking down 16th Terrace getting ready to cross

1 over 16th and Highland. And the officer pulled up behind
2 me -- actually came from behind me and pulled on the side of
3 me.

4 Q Okay. He was in a car then?

5 A Uh-huh.

6 Q And you were still walking; correct?

7 A Uh-huh.

8 Q Okay. So how did you figure out that there was a
9 police officer behind you?

10 A When he pulled up beside me.

11 Q Then you saw him?

12 A Uh-huh.

13 Q Okay. So he actually pulled up not just behind you but
14 actually beside you as well.

15 A Well, I mean, he had to come from behind me to pull up
16 beside me.

17 Q Okay. Now I understand. Did he turn his lights on?
18 Was he in a police car?

19 A No, he didn't turn his lights on.

20 Q Okay. But he was in police car?

21 A Yeah.

22 Q Well, after he pulled up beside you, ma'am, can you
23 tell us what happened after that?

24 A He asked me where -- where was I going, what was I
25 doing, where was I coming from, where was I headed.

1 Actually he told me that I had left a house that I hadn't
2 even been at. He said it was a drug house or something.
3 What was I doing leaving there. And I really hadn't come
4 from that house so I was like: What are you talking about?
5 Then that's when he put the car in park and proceeded to
6 have a conversation about a female named Rose and --

7 Q Okay. Well, slow down for just a minute. I want to
8 ask you several things that you told me.

9 Okay. Do you remember where --

10 A Be so serious.

11 Q Do you remember where you were whenever he stopped you
12 and started talking to you?

13 A I had just crossed over 16th and Highland.

14 Q 16th and Highland.

15 A I was on the corner of 16th and Highland.

16 Q Okay. And then this conversation that you told me
17 about, you were outside the car and he was inside the car
18 asking you these questions?

19 A Yes.

20 Q You said several things -- several questions there that
21 I wanted to ask you about.

22 A Okay.

23 Q Something about a drug house. What did he say about a
24 drug house?

25 A He said he had just picked a female up named Rose from

1 that house earlier. And he asked me what was I doing coming
2 out of there. And I was like: Well, I -- I wasn't coming
3 out of there. And I was like: What house are you talking
4 about? He said: The one that was on the corner, which is a
5 good friend of ours.

6 Q So there was actually --

7 A It's not a drug house.

8 Q It was actually a house you could see that he was
9 talking about?

10 A Yeah. Really nice -- yeah.

11 Q And your memory is that you told him, that's not a drug
12 house?

13 A Yeah.

14 Q Okay. And you actually know those people?

15 A Yeah.

16 Q Okay. After he said that you said something about him
17 putting the car in park. Help me understand how all this
18 happened.

19 A Well, when he pulled up beside me and asked me where
20 was I going, what was I doing and where was I coming from I
21 told him. Then he put the car in park and proceeded to have
22 the conversation about the girl, Rose, and the house and --

23 Q So all those things happened right there at 16th and
24 Highland?

25 A Uh-huh.

1 Q Okay. Other than the things that you've already told
2 me, did he ask you some other stuff while you were there at
3 16th and Highland that you can remember?

4 A He probably asked me where I was going or --

5 Q Okay. What'd you tell him?

6 A Did I have -- to my uncle Larry's house.

7 Q Did he ask anything else about that or did he just ask
8 where -- about that? Did he ask where it was or anything
9 like that?

10 A Huh-uh.

11 Q Okay. After you told him that do you remember if
12 there's anything else he asked you?

13 A He asked me did I have anything on me. While he
14 proceeded to get out of the car asked me do I have anything
15 on me, you know, drugs or whatever. And I said, no and he
16 put me in the back seat of the car.

17 Q So now he's actually got out of the car?

18 A Yeah.

19 Q Okay. I know you told him that you didn't have any
20 drugs or anything on you. Did you have any drugs --

21 A No.

22 Q -- or anything on you?

23 A No.

24 Q Okay. And you said he put you in his car?

25 A Uh-huh.

1 Q What -- front seat, back seat?

2 A Back.

3 Q Do you remember which side of the car, ma'am?

4 A Driver's side.

5 Q The driver's side?

6 A Yeah.

7 Q After he put you in the car -- well, let me ask: Did
8 he tell you why he was putting you in the car or did he just
9 tell you to get in?

10 A No, it's procedure. I mean, you know, I just -- you
11 know, usual -- you know, after they ask you so many
12 questions then they get out and then they, you know, put you
13 in the -- you know, so they can run the little check or
14 whatever. Procedure.

15 Q So in your experience he was doing what other officers
16 have done with you in the past.

17 A Well, anybody's experience get pulled over by the
18 police.

19 Q Yes, ma'am. Sure.

20 Okay. So you voluntarily got in the car?

21 A Did I have a -- yeah. Okay.

22 Q I understand. You felt like you had to get in.

23 A I mean, I did. I didn't feel like I had to. I mean,
24 yeah -- well, yeah, I got in the car.

25 Q You got in under your own power. He didn't make you --

1 like, throw you in the car, anything like that?

2 A Oh, no. But, you know, you got to get in the car.

3 Q So when you got in did he shut the door or did he leave
4 the door open?

5 A Yeah, he shut the door.

6 Q What did he do?

7 A Huh.

8 Q What did he do next?

9 A He got in the car and he asked me my name.

10 Q Okay. Did you tell him?

11 A Yeah.

12 Q Tell him the truth?

13 A Yeah.

14 Q Didn't give him a fake name?

15 A No, I'm not fake.

16 Q What did he do then, ma'am?

17 A He ran a check on me.

18 Q I know what you mean when you say that, but there may
19 be some people --

20 A Whatever y'all call it. Log in, whatever -- whatever
21 it is.

22 Q Okay. Did he talk to -- did you hear him talk to
23 someone over the radio or did he do it on the computer or do
24 you remember?

25 A No, they have computers in the car.

1 Q Okay. When -- after he ran the check what did -- did
2 he say anything about that or how did you know he was
3 running a check?

4 A It's procedure, isn't it? I mean, how am I supposed to
5 answer that?

6 Q I don't know. I guess I just want you to tell me what
7 you remember him doing. That's what I'm asking you. You
8 said he ran a check.

9 A He ran check.

10 Q How did he do it?

11 A He did his little -- on his computer.

12 Q Okay. After he did that did he say anything to you
13 about that?

14 A Like, what do you mean by that?

15 Q Well, after he ran the check did he talk to you some
16 more?

17 A I don't know. Oh, yeah, he asked me some questions,
18 like, you been living in Creston Hills all these years and
19 you didn't know that there was a dope house. And did I know
20 Rose and all this -- woo woo.

21 Q The person that you're talking about, Rose, do you know
22 who that person is?

23 A No, I know of her but I don't know her.

24 Q So you had an idea of who he was talking about but you
25 didn't really know this lady?

1 A Yeah.

2 Q Well, after he talked to you about living in Creston
3 Heights (sic) all those years --

4 A Yes.

5 Q -- and not knowing Rose and not knowing that drug
6 house, do you remember anything else that happened?

7 A We sat there and waited for the -- whatever the -- the
8 procedure is -- waited for the check to come back or
9 whatever.

10 Q Okay. So somebody on the radio -- a female came back
11 on the radio and talked? Is that what you're trying to say?

12 A Huh?

13 Q Okay. And then whenever she did that, what happened?

14 A Huh? Excuse me, what did you say? You got me
15 confused. Because, like, stupid questions. Okay. Say that
16 again.

17 Q I'll try to ask better questions.

18 A Okay.

19 Q And if you don't understand I want you to tell me.

20 A Okay. Yeah.

21 Q Try not to get mad at me. I'm just trying my best.

22 A Well, I'm not getting mad but it makes me confused
23 because I got to figure out --

24 Q Okay. I'll try to ask better questions.

25 A That's why I talk so fast and tell you the story so you

1 won't have to ask me the questions.

2 THE COURT: Let me make -- let me make a
3 suggestion. Okay.

4 THE WITNESS: Okay.

5 THE COURT: Listen to the question he asks. Think
6 about the question he asks. And then slowly give the
7 answer, okay, because it's hard to keep up with you.

8 THE WITNESS: Some things are frivolous though
9 when you -- someone asks you a question that's really not
10 making sense to you and then you --

11 THE COURT: Okay. If it doesn't make sense, just
12 tell him that. But just slow down on your responses a
13 little bit.

14 Q (By Mr. Gieger) Ms. Bowen, one of the reasons --

15 A Then I be --

16 Q -- we want you to go slower is because this lady right
17 beside you is trying to write down what you're saying.

18 A Well, I'm not slow so that is hard for me to be slow.
19 Okay. Okay. Come on. Come on. Waited too long for this.
20 Been two years. Come on. Let's finish. Let's finish.
21 Let's finish, please. Let's finish.

22 Q Okay. Ms. Bowen, so that we're back on the same page
23 again, the lady came back on the radio and you heard her say
24 something to the police officer.

25 A I don't know. I wasn't paying no attention. But I

1 heard, you know, whatever, she's clear, whatever.

2 Q Okay. That's what -- something like that?

3 A Yeah.

4 Q All right. After that happened --

5 A I knew I was. I'm sorry.

6 Q After you heard her say that, what happened after that?

7 A He said: Well -- well, I'd been drinking a little bit.
8 So he -- I guess he smell alcohol on my breath. And he was
9 like, you got two choices. You either gonna go to detox,
10 which I know nothing of, or you're gonna go to jail.

11 Q And I'm sorry. I misunderstood you this time. Did he
12 say you've been drinking or did you say I've been drinking?

13 A Well, when he said I -- he said: Have you been
14 drinking? And I said, yeah.

15 Q Okay.

16 A And really I didn't notice it until he said it because
17 I'm not a drinker. So, you know, I smell alcohol. Yeah, I
18 been drinking. Yeah, he asked me.

19 Q And you told him you had been?

20 A Huh?

21 Q You told him you had been drinking?

22 A Yeah.

23 Q Ms. Bowen, this -- I think this is relevant, okay. How
24 much had you had to drink that night?

25 A Probably a couple sips with Crib.

1 Q That's okay.

2 So he stopped the car?

3 A Huh?

4 Q He stopped the car?

5 A Yeah.

6 Q What happened then?

7 A He told me that -- he said: I'm gonna be serious with
8 you. You're gonna have to give me head or sex or I will
9 take your ass to jail.

10 Q Ma'am, when he said that what did you think?

11 A I've been punked.

12 Q You thought it was --

13 A I'm looking for the --

14 Q You thought it was a joke? Is that what you mean when
15 you say you been punked? You thought he was joking?

16 A Yeah.

17 Q What'd you say to him?

18 A I said: Are you kidding? I said: Is this offering to
19 engage or something?

20 Q What does that mean? Some people may not know,
21 Ms. Bowen.

22 A Oh, yeah.

23 Q I know you know. I know you know what it means. I
24 know what it means.

25 A It's a phrase for I guess prostitution.

1 Q Offering to engage is a phrase you know?

2 A A police officer -- however it goes. I never had a
3 case but I've heard -- whatever.

4 Q Sure. So that phrase "offering to engage" means
5 prostitution to you?

6 A I guess. Or you -- I don't know how to put it in
7 words.

8 Q I understand. Those are just the words you used;
9 right?

10 A Yeah.

11 Q That's what you said to him.

12 All right. Ms. Bowen, after you -- after you said
13 that did he say anything else back to you?

14 A He said: No, I'm -- yeah, he did. He said: I'm
15 serious. You're gonna give me some head or sex or I'm
16 taking you to jail.

17 Q What'd you think then, ma'am?

18 A That I needed to do what he asked me or I was gonna go
19 to jail, have to go through a bunch of this.

20 Q Yeah. Ms. Bowen, whenever he said that to you, was he
21 still in the driver's side or was he -- or had he -- had he
22 moved?

23 A Huh?

24 Q Whenever he said those words to you, ma'am, was he
25 still in the driver's seat of the car or had he moved?

1 A Yeah.

2 Q He was still there.

3 Let's stop for a second. Okay. Take a breath or
4 two for a minute.

5 A Okay.

6 Q You tell me when you're ready. Take your time. Tell
7 me when you're ready.

8 A Yeah, I'm cool.

9 Q You're okay?

10 A Yeah.

11 Q So he's still in the front seat at this point and now
12 you realize he's serious; right?

13 A Yeah.

14 Q Okay. Tell the jury what happened -- tell the jury
15 what happened after that.

16 A He got out of the car and he opened the back door. And
17 he unzipped his pants and I turned towards him. I gave him
18 some head -- oral sex. He told me to get out, pull my pants
19 down. Told me to bend over the -- I just did what he asked
20 me.

21 Q I didn't hear what you said.

22 A Told me to bend over in the back seat and then
23 proceeded to have sex with me. And when he got done he told
24 me to get back in.

25 Q Ms. Bowen, I'm not trying to be -- I'm not trying to

1 ask trivial things, but I just want to make sure everybody
2 understands what happened, okay? All right? Can I ask you
3 some questions about it?

4 A All right.

5 Q Okay. Whenever he unzipped his pants are you still
6 sitting behind the driver's side or are you somewhere else?

7 A Yeah.

8 Q Are you -- did he open the back door?

9 A Yeah.

10 Q Is he just -- if you're sitting -- if this is the
11 driver's-side back seat chair, okay, and you're sitting
12 here, is he just standing, like, right here next to you?

13 A Say that again.

14 Q If you're sitting in this chair in the car -- if this
15 is the back seat of the car, is he standing right where I am
16 when he unzips his pants?

17 A That's the back seat of the car. Okay. You got to be
18 more specific. Okay. Because if you get out of a car the
19 back seat of the car is gonna not be --

20 Q Let me try something else.

21 A Thank you.

22 Q Okay.

23 A When he got out the car and opened the door I was
24 sitting in the back seat. And he opened the door and I
25 turned, I mean --

1 Q I think you just described it for me.

2 A Okay. Thank you.

3 Q Did you stay completely in the car whenever the oral
4 sex happened?

5 A Yes.

6 Q And I know what you mean, but I have to ask this
7 question to do my job, okay? Did his penis go in your
8 mouth?

9 A Yeah.

10 Q Okay. About how long was it in your mouth?

11 A Away.

12 Q I didn't hear what you said.

13 A I didn't even answer that question.

14 Q Long time or short time?

15 A Short.

16 Q Okay. Do you know if he ejaculated?

17 A No.

18 Q Did he not or do you know? Like, did he not ejaculate
19 or do you know?

20 A In my mouth?

21 Q Yes, ma'am.

22 A Ew, no.

23 Q He did not.

24 Okay. So after that happened for a short period
25 of time you said you got out of the car; is that right?

1 A Nope. Well, yeah, I had to step out to take my pants
2 down.

3 Q Did he tell you to do that?

4 A Yeah, he said: Get out of the car and pull your pants
5 down, yeah.

6 Q And, again, I'm not trying to be graphic with you, I'm
7 just trying to understand how it happened, okay? So are you
8 standing right there right beside the car?

9 A Uh-huh.

10 Q And tell me how he positioned your body whenever he had
11 sex with you.

12 A He didn't position my body. He told me to pull my
13 pants down and bend over in the back seat.

14 Q And did you do that?

15 A Yes, I did.

16 Q So your feet are out of car but your --

17 A Yeah.

18 Q -- top part of your body's --

19 A Yeah. Yeah.

20 Q I'm sorry, Ms. Bowen, but did his penis go in your
21 vagina?

22 A Yeah.

23 Q And how long did that last?

24 A Oh, I don't know.

25 Q Do you know if he ejaculated?

1 just answer Mr. Adams' questions it'll go a lot faster,
2 okay?

3 A Okay.

4 Q I know you feel strongly about it.

5 A Yeah.

6 Q Okay. If you called the police and told them, what did
7 you think would happen?

8 A I didn't -- you know, I really never even thought about
9 that. I was just glad that he let me out the car. You
10 know, like I said, that's not a norm, you know. And then
11 when he pulled to Dead Man's Curve, I was like, you know,
12 you don't -- eww wee -- because they have found dead bodies
13 --

14 Q Stay with me, okay. All right.

15 A Okay.

16 Q At some point did you talk to Pastor Manning about what
17 had happened to you?

18 A Well, this is after they caught him.

19 Q Yeah.

20 A You know.

21 Q But some point the detectives came and talked to you?

22 A Yeah. Yeah.

23 Q Do you remember Detective Davis?

24 A Yes. Yes.

25 Q Did you talk to her about what had happened the way

1 Q So you had the information of when Officer Holtzclaw
2 had -- had reported that he was in the presence of
3 Ms. Bowen?

4 A I knew when he ran her in crime information and Varuna,
5 yes.

6 Q But it's your testimony you did not possess or have the
7 AVL information on Officer Holtzclaw as of October the 9th
8 of 2014?

9 A Right, because I actually documented that and I
10 contacted Joe Hill on October 10th, 2014, for the AVL and
11 CAD calls and radio traffic.

12 MR. ADAMS: May I have just one moment, your
13 Honor?

14 THE COURT: Yes.

15 MR. ADAMS: Pass the witness.

16 THE COURT: Any redirect?

17 MR. GIEGER: Very briefly, Judge.

18 REDIRECT EXAMINATION

19 BY MR. GIEGER:

20 Q Detective, in regards to Mr. Adams' questions about
21 trying to arrange a meeting with Ms. Bowen, there was some
22 difficulties as I understand your responses to getting that
23 set up; correct?

24 A Correct.

25 Q Do you know what the difficulties were or why Ms. Bowen

1 was hesitant?

2 A She -- I mean, there was a lot of reasons. She
3 didn't -- first, she was gonna meet me but then she said
4 she'd call me back. And then she didn't call me and I
5 called her back and she goes: I don't want to talk about
6 it. And then -- so I told her she could call me at any
7 time. Then when I actually got to talk to her she was,
8 like, I'm a convicted felon, I'm a drug user, nobody's gonna
9 believe me. So I don't know if that was her hesitation.

10 Q Detective, I want to turn your attention to supplement
11 number 1 of your report, page 2. Give me just one second.

12 Look down near the bottom of that. Read -- read
13 that last full paragraph and see if it refreshes your memory
14 at all as to -- in addition to the other things you just
15 told me, but also that as well.

16 A The last paragraph before the line? Okay. Right.

17 Q Is there anything in there that factored into her
18 hesitancy in talking to you as well?

19 A Yes.

20 Q Did that refresh your memory a little bit?

21 A Yes, it did.

22 Q What was it?

23 A She was afraid of retaliation from other officers.

24 Q Would you characterize Ms. Bowen as you came in contact
25 with her -- now as I understand it it was through a preacher

1 and then through Mr. Coleman who eventually called our
2 office in addition to your efforts; correct?

3 A Correct.

4 Q All right. In your opinion was Ms. Bowen -- what's the
5 right word -- anxious or wanting to get to you and talk to
6 you or was she -- was she reserved and concerned?

7 A She was not anxious to come talk to me.

8 Q All right. Then in regards to the date that counsel
9 was asking you about, was she whenever you interviewed her
10 certain that it happened in July?

11 A No, it was kind of -- she said she thought it happened
12 in July. But she said she's sure that it happened before
13 her mom moved into assisted living.

14 Q And were you able to verify -- and I think you may have
15 testified on direct on Wednesday -- were you able to verify
16 when the mother did move into assisted living?

17 A Yes.

18 Q And is that consistent with the stops that you later
19 identified that occurred in May?

20 A Yes.

21 Q Was Ms. Bowen, however, certain -- well, strike that.

22 In talking to Ms. Bowen, does she have a job?

23 A No.

24 Q Did you ever ask her if she had calendars or kept
25 dates, things like that?