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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

MAR 16 2016

TIM RHODES
COURT CLERK

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 6TH DAY OF NOVEMBER, 2015,

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME V OF XVIII

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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

1001-1241

1 (The following was had at the bench by
2 Court and counsel out of the hearing of
3 the jury.)

4 MR. GIEGER: Judge, our next witness is going to
5 definitely take more than time. We're ready to go. She's
6 here, but I didn't know if you wanted to --

7 THE COURT: Let's get her started.

8 MR. GIEGER: Okay.

9 (The followign continued within the
10 hearing of the jury.)

11 MS. McCONNELL: State calls Shardayreon Hill.

12 THE COURT: All right. Ma'am, step right before
13 me. Raise your right hand.

14 (Shardayreon Hill was sworn.)

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

19 THE WITNESS: My name is Shardayreon Hill. It's
20 spelled S-H-A-R-D-A-Y-R-E-O-N. Hill is the last name,
21 H-I-L-L.

22 THE COURT: All right. You may proceed.

23 MS. McCONNELL: Thank you, your Honor.

24 DIRECT EXAMINATION

25 BY MS. McCONNELL:

1 Q Ms. Hill, how old are you today?

2 A I'm 24.

3 Q Okay. And I want to draw your attention back to
4 December 20th of 2013, okay?

5 A Yes.

6 Q On December 20th, 2013, were you at Liberty Station
7 Apartments?

8 A Yes, ma'am.

9 Q And where are Liberty Station Apartments located at?

10 A It's on -- it's between Phillips and Lindsay on 26th,
11 27th-ish, something like that.

12 Q Northeast?

13 A Yes, ma'am.

14 Q On that day were you there by yourself or with other
15 people?

16 A I was there with my cousin.

17 Q Okay. And what's your cousin's name?

18 A Jonaye Stafford.

19 Q J-O-N-A-Y-E?

20 A Yes, ma'am.

21 Q S-T-A-F-F-O-R-D?

22 A Yes, ma'am.

23 Q Why were you at Liberty Station Apartments that day?

24 A We was just hanging out and sitting in a truck and --

25 Q Just the two of you?

1 A Yeah, just me and Jonaye.

2 Q So you were out -- you weren't in an apartment, you
3 were sitting outside in the parking lot?

4 A Yes, ma'am.

5 Q Were you doing any type of drugs with Jonaye Stafford
6 on that day?

7 A Yes.

8 Q What type of drugs were you doing?

9 A It was PCP.

10 Q And how do you -- how do you do PCP?

11 A You smoke it on a cigarette.

12 Q Okay. Did Oklahoma City police officers make contact
13 with you while you were at Liberty Station Apartments?

14 A Yes, ma'am.

15 Q Tell me about where you were and how that contact
16 happened.

17 A We were backed in in the apartments, like, on the first
18 entry of the apartments. And all of a sudden we see the
19 police is pulling in the apartments. And they went to the
20 middle -- they turned in and went to the middle of the
21 apartments. And they came back fast around and they pulled
22 in front of the truck that we were in.

23 Q And you said "they pulled in front," was there just one
24 car or more than one car?

25 A It was more than one car.

1 Q Do you remember how many cars there were?

2 A It was about three.

3 Q Okay. What happened after these cars pulled in front
4 of you?

5 A The officer came to the door and just opened it and he
6 pulled me out.

7 Q And I didn't ask you before, Ms. Hill, where were you
8 sitting in this truck?

9 A I was sitting in the driver's seat.

10 Q And where was Ms. Stafford sitting?

11 A She was sitting on the passenger seat of the truck.

12 Q So the officer that opened the door, which door did he
13 open?

14 A He opened the left -- because we were backed in so he
15 was on my left side and pulled the door open.

16 Q So he opened the driver's-side door?

17 A The driver's-side door.

18 Q Okay. What happened next?

19 A When he opened it he pulled me out and then, like, he
20 was saying, what's the smell he smell and stuff like that.
21 And as he talking to me he takes me and walks me to the back
22 of his car. And he asked me is it okay to search me. And I
23 tell him no.

24 Q Is this an officer that you had ever made contact with
25 before?

1 Q (By Ms. McConnell) And, Ms. Hill, did he say anything
2 to you at that point?

3 A No, he didn't.

4 Q And what happened next?

5 A So as I lay on the bed I'm, like -- I'm 'bout to play
6 like I'm sleep. This what I'm thinking so I can really know
7 this is really what's going on because I really wouldn't
8 been expecting this. So I'm laying in the bed and I play
9 asleep. And I'm looking. And I'm seeing him going back and
10 forth tryna to see everything that he could see. And
11 shortly after that he gets up or whatever. I see that's
12 what he's doing or whatever. And so he started -- you know,
13 woke up or whatever and we started talking again. And then
14 --

15 Q And what were you talking about this time, Ms. Hill?

16 A I'm not really -- we was just having conversation. It
17 could've been about, you know, the same stuff. Oh, he told
18 me -- it was like, Well, if you corroborate with me, you
19 know --

20 Q If you corroborate?

21 A Yes. If you corroborate with me, you know, I can make
22 these charges go away within a month. He was like, Just
23 trust me. So I'm like, What do you mean?

24 Q Did he tell you how he was going to make your charges
25 go away in a month?

1 A And then after he came back around the bed, that's when
2 he -- he came to the front of the bed and he stuck his hand
3 in my private.

4 Q Okay. And you told me earlier that you're wearing this
5 hospital gown. Does his hand go underneath your gown or
6 over the top?

7 A It's underneath the gown. And he went straight in. I
8 didn't have on any underwear. And he went in and when he
9 came out -- when he went in I gasped because I didn't expect
10 that because he just did it out of nowhere.

11 Q And I know you said he stuck it in your private. I'm
12 not trying to embarrass you, Ms. Hill. Do you mean your
13 vagina?

14 A Yes, ma'am.

15 Q And what did he stick in your vagina?

16 A Me stuck his fingers in my vagina.

17 Q And you said you weren't really expecting it. Is that
18 something that you wanted to happen?

19 A No, ma'am.

20 Q Is that something that was okay with you?

21 A No, ma'am.

22 MR. ADAMS: Just, just object to the form of the
23 question as leading.

24 THE COURT: Okay. Don't lead the witness.

25 MS. McCONNELL: May she respond to the question I

1 asked, Judge?

2 THE COURT: Ask another question.

3 Q (By Ms. McConnell) You said that wasn't what you
4 wanted to happen. Were you all right with that?

5 MR. ADAMS: Judge, again, I object. She just
6 restated the leading question and said was that all right
7 and I object.

8 THE COURT: Overruled, you can answer.

9 THE WITNESS: At the time because I'm thinking
10 about, like, these charges; I don't want to be charged. And
11 I was thinking, like, he did that, you know, and I was
12 like -- and then I just didn't say nothing or do anything
13 because I couldn't really believe it. But I'm still
14 thinking about him saying if you corroborate these charges
15 will go away in a month and just trust him.

16 Q (By Ms. McConnell) Is that why you didn't call --
17 well, did you call the nurses' station?

18 A No, I didn't. I didn't even really know how to call
19 the nurses' station.

20 Q And you still -- nurses and doctors, were they coming
21 in the second room at this point?

22 A No, ma'am.

23 Q Did he say anything whenever he did that?

24 A No, he didn't.

25 Q You told me that he had touched your breast over your

1 gown whenever he was trying to pull it up. Is that
2 something that happened one time or more than one time?

3 A It happened more than one time. It happened maybe like
4 three times.

5 Q Okay. Was it always the same motion that you showed me
6 where he's grabbing your breast while pulling your gown up?

7 A Yes.

8 Q And what types of things was he saying when he did that
9 the other two times?

10 A He -- every time that he told me that my gown was -- he
11 just told me that it's down and he was tryna just -- he
12 didn't say he was tryna help me, he just was like your
13 titties are showing or, you know, something in that matter,
14 like, your breasts are showing, your titties. I don't know
15 which one he used, but he said that and said that they was
16 showing. And he would just pull it up.

17 Q You said that you weren't sure whether he said your
18 titties are showing or your breasts are showing, but are you
19 -- you're sure that he said one of those two words?

20 A One of those two words.

21 Q Did he have any other contact with your body?

22 A Yes, shortly after he came and stood to my left side
23 and he pulled his pants down and he -- I think first he made
24 me rub it first.

25 Q Well, and let me make sure I understand, Ms. Hill,

1 Q So that was before he exposed his penis?

2 A Yes.

3 Q Okay.

4 A And eventually after it was pulled down a little bit up
5 under his, you know, genital area. And I couldn't do too
6 much because he was telling me, like, the whole time that I
7 was in a bed, to lay back so that monitor wouldn't come
8 off -- would go off to where the nurses would come in to
9 check on me.

10 Q That's what he's saying to you while his penis is
11 exposed?

12 A Well, no, I'm saying this to say that, you know, I
13 couldn't do too much because if I done too much movement but
14 he -- because he would tell me like, if you do it, like --
15 you know, I couldn't do too -- first of all, he said he --
16 he wanted to do it. Was telling me that he want to do it or
17 could I do it or something. And --

18 Q Was this -- he said "could you do it"; was that before
19 or after he exposed his penis to you?

20 A No, he was saying he could do it, but he can't because
21 he's on the clock. So he would say that he -- he couldn't
22 do certain things but would do it or whatever. And so he --
23 so, anyway, he was -- he pulled that down and he just told
24 me, you know, he was grabbing my head and pulled it toward
25 --

1 Q With his hand?

2 A Yes, pulled it toward his genital and I -- I mean, I
3 gave him oral.

4 Q His penis went in your mouth?

5 A Yes. And as I was going, he -- he was like, Ha ha, you
6 never sucked a white dick before.

7 Q That's what the police officer said to you?

8 A Yes, and when he said that that threw me off. And
9 that's really why I just stopped. Because I was just
10 thinking like, what type of -- what is this? You know, it
11 like turned me off. I just couldn't even do it no more.

12 Q How long was his penis in your mouth, Ms. Hill?

13 A It was in there -- like I went up and down on him
14 maybe, like, five, six times.

15 Q And whenever he said the comment about -- repeat what
16 he said after --

17 A He said, Ha ha, you never sucked a white dick before.

18 Q Whenever he said that, is that what made the contact
19 stop?

20 A Yes.

21 Q When you say that he said "ha ha" was he laughing or
22 was he actually saying words "ha ha"?

23 A I believe he was laughing. Ha ha, you never sucked a
24 white dick before.

25 Q What was his tone whenever he said that or his

1 me on Facebook.

2 Q He had told you that previously?

3 A Yes. He had told me --

4 Q When did he tell you that?

5 A He was like, I'll find you because -- telling me that
6 he's gonna change this, I'm like, How you gonna know, like,
7 where to find me, like, to make sure this happens? How do I
8 know this is going to happen for me? He said, I'll find
9 you.

10 Q And where were you whenever he made that comment to
11 you?

12 A I believe we was in the police car. We could've been
13 in the police car or we could've had this conversation in
14 the hospital room.

15 Q When he said he would find you did he tell you he would
16 specifically find you on Facebook or did he just say he
17 would find you?

18 A He was just like he'll find me. And I'm thinking,
19 okay, maybe because he a police officer he would know how to
20 find me.

21 Q So did he find you on Facebook?

22 A Yes, ma'am.

23 Q About how long was it after you got out of the county
24 jail on Christmas Day before --

25 A I got out Christmas Day. This was maybe, like, the

1 second week, could be the third week in January. It was in
2 January sometime.

3 Q And --

4 A But it wasn't, like, right after I got out it. It was,
5 like, a few weeks.

6 Q When you say he found you on Facebook, what does that
7 mean?

8 A He found me when he -- he requested to be my friend on
9 Facebook.

10 Q How did you know when you got this friend request that
11 it was a police officer?

12 A Because I remembered how he looked and when -- by this
13 time he don't even look like he looked when I was high, you
14 know. But I still remember, like, the shape and the face,
15 you know, because it was -- it was -- I was kind of, like,
16 blurry.

17 Q Was this the first time that you really learned his
18 complete name?

19 A Yes.

20 Q And what was his name?

21 A His name -- his name was Daniel Holtzclaw on Facebook.

22 Q And whenever he friend requested you, you were telling
23 me you knew it was him because it looked like him. Is there
24 a picture that pops up?

25 A Uh-huh. Yes, ma'am.

1 Q Did you accept his friend request?

2 A Yes, I did.

3 Q And did the two of you communicate on Facebook?

4 A Yes, ma'am.

5 Q How'd -- how do you communicate on Facebook?

6 A I just told him like, it's about time that he found me
7 because I was still waiting. I was waiting because -- I've
8 been waiting to see how these charges are about to get
9 dismissed.

10 Q Can you -- is there a chat feature on Facebook?

11 A Is there a what?

12 Q A chat feature. C-H-A-T.

13 A Yes.

14 Q And is there like a --

15 A It's a messenger.

16 Q Okay.

17 A It's a messenger through the inbox.

18 Q Can you send messages back and forth to people that
19 you're friends with on Facebook?

20 A Yes.

21 Q Are those messages something that anyone who is friends
22 with you can access?

23 A No.

24 Q Are -- who can access those messages?

25 A No, only me and him can see.

1 Q Okay. Like --

2 A Because it's in inbox. It's not on the time line where
3 everyone can see.

4 Q And when he contacted you on Facebook and he started
5 communicating on Facebook did you exchange phone numbers?

6 A Yes, he gave me his cell phone number. He -- it was a
7 580 number. And he was telling me to call him on that
8 number. And I was telling him let's talk on Facebook
9 because -- you know, let's talk on Facebook. He said he
10 didn't want to talk on Facebook. He wanted to talk on the
11 phone.

12 Q And so did you also start communicating --

13 A Uh-huh.

14 Q -- via phone calls?

15 A Yes, ma'am.

16 Q Did you talk on the phone like in actual phone calls?

17 A Yes.

18 Q Did you text message back and forth?

19 A Yes.

20 Q Did you communicate in any other way besides on
21 Facebook, through phone calls, and through text messages?

22 A Not -- mainly on the phones and texts and Facebook.
23 And then I had one face-to-face with him after the jail
24 situation.

25 Q Okay. And I was just fixing to ask you about that, Ms.

1 Hill. Did you ever see the police officer Daniel Holtzclaw
2 in person?

3 A Yes, ma'am.

4 Q And that was after your hospital stay when he booked
5 you in the county jail, you saw him an additional time?

6 A Yes, ma'am.

7 Q Okay. Tell me about how that happened.

8 A He had text me and, you know, to see what I was doing
9 and stuff. And he axed me could he come see me. And I had
10 told him, you know, like, yeah. And --

11 Q Where did you tell him that he could see you at?

12 A He could come to my mom's house.

13 Q Okay. And did you -- were you living with your mom at
14 that point in time?

15 A Yes, ma'am.

16 Q And what -- well, whenever you told him that, did he
17 come to your mom's house?

18 A Yes, ma'am. He was texting me and he told me that he
19 was at the outlet mall, was shopping and that he would come
20 when he was done. And he text me when he was done. And he
21 told me that he was on his way. And so when he came I went
22 outside. And he pulled up. And it was like a Chrysler
23 looking car.

24 Q Had you seen this car before?

25 A No, ma'am.

1 Q Whenever you first made contact with him at Liberty
2 Station was he in a regular police car?

3 A He was in a regular police car.

4 Q What did his police car look like at Liberty Station?

5 A His police car I believe it was one of the new ones.
6 It was one of the new ones, the all black.

7 Q With white lettering on it?

8 A Right.

9 Q When he came to your mom's house -- first of all, did
10 he -- did he park in your mom's driveway or somewhere else?

11 A He parked -- we use the neighbor's driveway. So he
12 didn't park directly in our driveway. We -- he parked over
13 in the next-door neighbor's driveway because we park our
14 cars over there too. So he pulled in and I went out there
15 and I got in the car.

16 Q And the vehicle that he drove over near your mom's
17 house, was that a vehicle you had seen before?

18 A No, ma'am.

19 Q Did it look to be a personal vehicle?

20 A Yes.

21 Q And describe to me what it looked like.

22 A It was a nice silver car. It looked -- it looked so
23 nice that -- and it had rims on it. I didn't think it was a
24 Chrysler but I'm thinking that's what it was.

25 Q A sedan?

1 A Huh?

2 Q A sedan?

3 A Is that what it is?

4 Q I'm asking you.

5 A I'm not sure what the car is named of it, but it looked
6 like a shape of a Chrysler. It was nice though. It was
7 silver.

8 Q Did it have four doors?

9 A Yes, it had four doors and it had rims on it.

10 Q Was anyone with him?

11 A No, ma'am.

12 Q And tell -- where was your mom's house located back in
13 December of 2013?

14 A The address is 813 Northeast 81st Street, Oklahoma
15 City.

16 Q Is that in Oklahoma City?

17 A Yes, ma'am.

18 Q Is it in Oklahoma County?

19 A Yes, ma'am.

20 Q Did you -- did he come into your mom's house at that
21 point?

22 A No, he didn't come inside. I went outside. It was --
23 the kids -- I had left the kids in there. So I didn't want
24 him to come in and stuff. I just went out because I was
25 believing we was about to talk about what was gonna happen

1 with my case because that's what I was concerned about.

2 Q And you said you left some kids inside at your mom's
3 house. Were there any other adults besides you at your
4 mom's house during this event?

5 A I believe my sister or my grandma was up there.

6 Q Did you tell them that you were going out to meet this
7 police officer outside?

8 A I believe they knew because, you know, like, everybody
9 was shocked, like, when I was telling everybody the story
10 and --

11 Q And were you supposed to be watching the children
12 inside your mom's house?

13 A Uh-huh.

14 Q And so when you went out to meet him did you get inside
15 his police -- inside his personal car or did you stay
16 outside?

17 A Yes, I did. Yes, I did. I went -- I got inside the
18 car. I got in the passenger seat.

19 Q Okay. And did the two of you talk?

20 A Yes.

21 Q What did you talk about?

22 A I kind of wanted to talk about the case. You know, I
23 was, like, you thought I swallowed it. You thought I
24 swallowed the -- he was like, you did. So we just --

25 Q Meaning the PCP?

1 A Yes, so we kinda talked about that a little bit but he
2 really wasn't tryna talk about the case.

3 Q What was he trying to talk about?

4 A He was tryna talk about sex.

5 Q What did he say about sex?

6 A He was telling me, like -- like tryna talk me into it,
7 like, come on, let's, you know -- I'm tryna to fuck or
8 whatever.

9 Q That's what he said to you?

10 A He wanted to fuck me and he said -- what I remember is
11 he said, You can bend over in the front seat and I'll come
12 out and -- fuck me, however he -- he was saying that he was
13 gonna be behind me, he was gonna fuck me.

14 Q Is that something that you wanted to do, Ms. Hill?

15 A No, that's not nothing that -- he was tryna, like,
16 force me because he kept asking. I was -- kept on telling
17 him, I can't. I got kids in the house.

18 Q That was your response to him?

19 A Yes.

20 Q And after you said "I can't," what did he do?

21 A He just kept on telling me come on, like, come on, just
22 kept on saying -- you know, tryna get me to do it. And I
23 keep on telling him, like, after so long I'm just, like --
24 I'm thinking to myself, this is the police, like, I got kids
25 in the house. He's supposed to, you know --

1 Q Was he in uniform during this time, Ms. Hill?

2 A No, he wasn't. He had on a pair of sweats and -- I
3 can't remember what type of shirt. I believe it could've
4 been a sweat suit.

5 Q After you say no to sexual intercourse with
6 Mr. Holtzclaw does he ask you for any other sexual favors?

7 A Yes, to give him oral.

8 Q Okay. And what did he say specifically if you
9 remember?

10 A He just pulled out his -- he just pulled it out.

11 Q His penis?

12 A Yes.

13 Q Is that something that you wanted to see, Ms. Hill?

14 A No, I didn't ax him to see it or nothing because I -- I
15 wasn't attracted to him. I didn't wanna (sic) do nothing
16 with him. I really wanted to talk about the case. And I
17 didn't expect for him to get there and want to have sex and
18 especially in the car.

19 Q And when he exposed his penis to you was it erect?

20 A Like, hard?

21 Q Uh-huh.

22 A Yes.

23 Q And did he say anything to you about what he wanted you
24 to do with his penis?

25 A Yes, he told me that he wanted -- he wanted me to suck

1 his dick.

2 Q What did you say to that?

3 A I was -- I kept on telling him, like, I can't, I can't,
4 the kids is in the house. And then so after so long that he
5 just kept on tryna to get me to do it I was just, like, I
6 gotta go. And on top of that, I -- I really wasn't
7 comfortable because I kept calling the kids letting them
8 know, like, I'm just outside, like, I'm you know, I'm tryna
9 to get -- have more of a reason to really why I can't do it,
10 like, the kids in -- letting him know, like, the kids is on
11 the phone, they in the house, they want me to come back in.
12 So eventually after he kept asking me to do it I was just
13 like, you know, I gotta go. So I just -- I just got out the
14 car and I went back up in the house with the kids.

15 Q Did you ever see or did you ever have face-to-face
16 contact with him again after this incident, Ms. Hill?

17 A No, that was the last contact. After that it was still
18 text messages and stuff.

19 Q And, Ms. Hill, let me ask you this: Did you ever tell
20 anyone about this event that happened with him outside your
21 mom's house?

22 A Yeah.

23 Q Who did you tell?

24 A My mom and them knew. They all knew that he came over
25 there.