

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

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STATE OF OKLAHOMA,)
)
Plaintiff,)
vs.)
)
DANIEL K. HOLTZCLAW,)
)
Defendant.)

CASE NO.: CF-2014-5869

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

APR 20 2016

TIM RHODES
COURT CLERK

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 17TH DAY OF NOVEMBER, 2015,
BEFORE THE HONORABLE TIMOTHY R. HENDERSON,
DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,
OKLAHOMA CITY, OKLAHOMA

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VOLUME X 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

2241-2506

REPORTED BY: Kristin L. Taylor, RPR

1 You may inquire.

2 LIEUTENANT TIM MUZNY,
3 was called as a witness, after having been first duly sworn,
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. GIEGER:

7 Q Could you please tell the jury how you are employed?

8 A I'm a lieutenant with the Oklahoma City Police
9 Department.

10 Q How long have you been with the Oklahoma City Police
11 Department, sir?

12 A Almost 25 years.

13 Q And can you give me a little bit of history of your
14 employment with the police department, the different
15 divisions you've worked?

16 A I spent the first ten years third shift Santa Fe. And
17 then I spent probably two years day shift Santa Fe.

18 Q Does that mean patrol whenever you say --

19 A Yes, patrol division.

20 Q And Santa Fe -- they've heard about Springlake. Is
21 Santa Fe another division in the Oklahoma City Police
22 Department?

23 A Yes.

24 Q Go ahead, sir.

25 A Once I got promoted I went to the jail as a supervisor

1 Holtzclaw?

2 A Yes. Only that was -- that was a thought.

3 Q And at that point were there a couple of lists with
4 Unit 800 or the crime incident unit or the --

5 A Crime information.

6 Q Crime information, yes. Two different -- Varuna runs
7 basically and crime information runs; correct?

8 A Correct.

9 Q And the jury's heard those terms back and forth; Varuna
10 shows reports, crime incident shows whenever they're run for
11 warrants; correct?

12 A Yes.

13 Q Okay. What did you do in regard to those two sources
14 of information, those two databases for lack of a better
15 term in order to assist your detectives in this
16 investigation?

17 A The first thing I did is I contacted the supervisor in
18 the crime information unit. And she gave some names of
19 women that had been ran during a certain time frame. From
20 there we took the handwritten sheets that they had and I
21 believe we started in April of 2014 and went from April to
22 June. I can't remember the exact date in June. But from
23 April to June and we took the names, wrote down the names of
24 females. Specifically names of black females is initially
25 what we started out looking for. From there took -- made a

1 list of names of those people off of the original sheets
2 that the crime information unit had. And then I took the
3 names from that list and checked them in our Varuna system
4 and I was specifically looking for people who may have a
5 drug history, prostitution history or a significant criminal
6 history, somebody that had been arrested, I want to say
7 significant, several times.

8 Q Sir, I'm just gonna hand you this. Are -- basically
9 this document that contains many, many pages, is that the
10 crime information unit logs that you just referred to?

11 A Yes.

12 Q And you would agree there's a hundred-plus pages of
13 those?

14 A There's a bunch.

15 Q Okay. And then you went through those personally?

16 A Yes.

17 Q Do I understand that?

18 A Yes.

19 Q And then is there also another list of the Varuna runs,
20 just a Word document list that shows the individuals that
21 Officer Holtzclaw ran during a certain time period?

22 A Yes, I think it showed -- I think it shows all Varuna
23 activity which would be -- I think that -- I think that
24 includes tags, names. You'll have case numbers, stuff like
25 that. We all -- I say "we"; myself, Kim Davis, Detective

1 Gregory and I believe Detective Homan also, we all looked --
2 we've all looked at the Unit 800 list, gone back over it to
3 see if there's, you know -- did we miss anything.

4 Q There's been some reference to that list, basically if
5 I -- if it's been represented it contained approximately 400
6 names on that Varuna list, is that consistent with your
7 memory in total?

8 A Probably.

9 Q All right. Now you made reference a moment ago that
10 you went through the log sheets, the several hundred pages
11 or hundred-plus pages of log sheets and then you said you
12 made some type of a list yourself; do I understand you to
13 say that?

14 A Yes.

15 Q Okay. Tell me about what that is specifically that
16 you're talking about.

17 A The -- I was looking for, like I said, black females,
18 drug or prostitution history that had had some form of an
19 arrest. I wrote their names down on a piece of paper so I
20 would have their name. Then I looked their name up on
21 Varuna. Once I found their Varuna history and I looked at
22 the Varuna history and saw that it was consistent with what
23 we were looking for, I printed off that Varuna sheet as well
24 as if they had a picture in the county -- it's called EJS,
25 it's the County's system where they have photos. I would

1 print a photo of that off, staple the photo and the Varuna
2 sheet together and I made a stack, made a pile. And then
3 once I got from April to June done, I handed them to --
4 basically just split it in half, one for Detective Davis,
5 one for Detective Gregory and just -- until I was done.

6 Q So the list that you wrote out on a piece of paper, was
7 that ever documented in a police report?

8 A No, it was not.

9 Q But did it come from the totality of what is in the CIU
10 log and the Varuna log?

11 A Yes, the -- in my report where I say "list" the list is
12 going to be -- list is going to mean crime information log
13 and Varuna. It's -- it's the same. The list was just
14 something that I compiled as a product of the work product,
15 investigator's notes, just something to get through so we
16 could have people to look at.

17 Q And tell me what work product means to you.

18 A Your own personal -- it's your own personal notes that
19 you've gathered during the course of an investigation.
20 It's -- it's something that -- that we do every day. I
21 mean, every day I'm making notes on pieces of paper and
22 that -- I don't make reports on them, they don't go anywhere
23 except into a shredder.

24 Q Is it your understanding of the -- do you know what
25 discovery means?

1 A Yes.

2 Q What does discovery mean to you?

3 A Discovery means that whatever -- whatever we have as
4 far as the State, that the defense has access to the
5 evidence that we have.

6 Q All right. Those personal handwritten notes that you
7 and your other detectives make, are those typically included
8 in discovery?

9 A No, they're not. They're not -- we're not required to
10 keep them. By law we're not required to keep them. We're
11 not required to give them to everybody. Almost everybody
12 that I know, when their -- once they're done, you know,
13 whether it's done for that day or done with that case,
14 things are shredded.

15 Q Now there may have been some testimony about this from
16 other witnesses but I want the jury to be clear. For
17 example, State's Exhibit Number 398, is that -- do you
18 recognize what that is a part of?

19 A I believe that's gonna be from -- that's gonna be from
20 Varuna.

21 Q Is that just part of that complete list that Officer
22 Holtzclaw ran?

23 A Yes, I don't remember the dates that that range was
24 from, but that was -- it was definitely more than the three
25 months.

1 A Yes.

2 Q Are you -- strike that question.

3 During the course of the investigation, sir, did
4 you become aware of the individuals that you had given the
5 information to the officers to say, go contact them, and the
6 officers made contact and those people denied having any
7 wrongdoing?

8 A Yes.

9 Q Denied any sexual assault occurred by any police
10 officer.

11 A That's correct.

12 Q Do you have a recollection as to about how many
13 individuals those were?

14 A Approximately 30.

15 Q And, sir, the fact that those individuals said nothing
16 happened, was that documented in the investigation in any
17 way that you know of?

18 A No, not that I know of. There's really no reason for
19 us to make a report that says nothing happened.

20 Q Okay.

21 A No crime.

22 Q And let's talk a little bit about -- about that. In
23 this case there have been many, many, many reports typed,
24 would you agree?

25 A Yeah, I can't tell you the number but there's --