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IN THE DISTRICT COURT OF OKLAHOMA COUNTY

JUN 11 2015

STATE OF OKLAHOMA

TIM RHODES
COURT CLERK

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

46

Case No. CF-2014-5869

CFY

* * * * *

VOLUME II OF II

SEVENTH JUDICIAL DISTRICT OF OKLAHOMA

TRANSCRIPT OF PRELIMINARY HEARING

HAD ON THE

18TH DAY OF NOVEMBER, 2014

BEFORE THE HONORABLE D. FRED DOAK

SPECIAL JUDGE

* * * * *

RECEIVED

MAY 26 2016

ATTORNEY GENERAL

REPORTED BY:

Pamela J. Goold, CSR, RPR
Official Court Reporter
Oklahoma County Courthouse
Oklahoma City, Oklahoma 73102
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FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

L-55

1 MR. GIEGER: No, sir.

2 THE COURT: We'll be in recess until 15 minutes
3 after 11:00.

4 (Whereupon, a brief recess was had; after which the
5 following further proceedings resumed:)

6 THE COURT: State may call its next witness.

7 MR. GIEGER: State calls Detective Kim Davis.

8 (Witness sworn.)

9 THE COURT: Have a seat there in the witness
10 chair, Detective. I think you have set up in my
11 courtroom before and you're familiar with our setup
12 there.

13 THE WITNESS: Yes, sir.

14 THE COURT: So when you're comfortable and I'm
15 sorry that wooden chair is all I've got to offer you.

16 THE WITNESS: That's fine. Thank you, sir.

17 THE COURT: Are you comfortable?

18 THE WITNESS: I'm good.

19 THE COURT: Okay. Would you please state your
20 name?

21 THE WITNESS: Kim Davis.

22 THE COURT: Thank you.

23 Mr. Gieger, you may inquire.

24 KIM DAVIS,

25 was called as a witness, after having been first duly

1 Q Tell me what an Automated Vehicle Locator is in
2 regards to the Oklahoma City Police Department.

3 A All the scout cars have it and it shows dispatch
4 exactly where they are, if they're logged into their
5 computer.

6 Q Okay. When an officer is on duty they're supposed
7 to be logged in?

8 A Correct.

9 Q And is it like a GPS?

10 A Yes.

11 Q Do you know how the GPS reads, like is it an active
12 GPS that shows where you are every second or are there
13 certain readings that it takes based upon your
14 understanding and review for preparation of this case?

15 A If they're moving -- if the vehicle is moving then
16 the locator will hit like every two seconds.

17 Q Okay. If it's actually in motion?

18 A If the car is in motion.

19 Q What if it's stopped?

20 A It hits every five minutes.

21 Q So if the speed is zero it's going to stop and then
22 a five minute timer is going start and it's going to hit
23 again automatically even if there is no movement, but
24 nothing in between?

25 A Correct.

1 Q Also, ma'am, in the way that that program is
2 designed based upon what you've been instructed about it
3 and told about it, does it only show vehicles that are
4 actually on city streets?

5 A Correct. If you drive off into a field it's going
6 to -- the terminology it's going to snap to the nearest
7 street that that field is by.

8 Q Okay. For example, ma'am, both Sherry Ellis and
9 Kala Lyles testified about events that happened to them
10 at an abandoned school on the northeast part of Oklahoma
11 City. Are you familiar with that testimony?

12 A Yes.

13 Q I'm going to show you State's Exhibit Number --
14 Number 5. And are you familiar with this aerial
15 photograph?

16 A Yes.

17 Q And have you actually been to that location based
18 upon your investigation in this case?

19 A Yes.

20 Q Ma'am, the individual said that if I show you
21 State's Exhibit Number 4 that Officer Holtzclaw while
22 they were in their car drove over the curb here, sexual
23 assaults happened at the school and then they were
24 released from his custody. Are you familiar with that?

25 A Yes.

1 Q In looking at the AVL, were you able -- and let's
2 just talk about those two individuals. Were you able to
3 confirm that Officer Holtzclaw's car actually did travel
4 down what I believe is Northwest 18th Street to the dead
5 end that goes to the park?

6 A It's Northeast 18th.

7 Q Sorry. Northeast 18th?

8 A Correct.

9 Q Were able to confirm that in both locations?

10 A Yes.

11 Q After he goes off the street at that dead end, is it
12 -- am I understanding your testimony that the AVL doesn't
13 pick up where he is in this field because there is no
14 pavement there? There is no street?

15 A Correct. Correct.

16 Q What's this road right here?

17 A Miramar.

18 Q Okay. After the times involved and does it then
19 pick up again with him coming on to Miramar?

20 A Yes.

21 Q And the times that are involved based upon the AVL,
22 as well as the CAD calls if they exist, as well as the
23 CIU, as well as Varuna, do they all correspond to the
24 times and mesh with each other consistently?

25 A Yes.

1 Q I want to talk some more about Miramar for just a
2 moment. There has been some testimony -- are you
3 familiar with the way Miramar runs?

4 A Yes. It runs --

5 Q Do you know where it is?

6 A Yes.

7 Q There was some testimony about an event that
8 happened somewhere called Dead Man's Curve, is that on
9 Miramar?

10 A Yes.

11 Q The school obviously where two of the incidents both
12 with Sherry Ellis and Kala Lyles occurred, is that off of
13 Miramar?

14 A Yes.

15 Q And then this morning Regina Copeland testified
16 about a bus depot further up north around northwest --
17 Northeast 24th Street. Are you familiar with that area?

18 A Yes.

19 Q Is that bus depot also located on Miramar?

20 A Yes.

21 Q We'll talk about Sherry Ellis some more in a moment,
22 but before I do that I want to go back to Janne Ligons.
23 Do you remember Janne Ligons' testimony?

24 A I didn't hear hers.

25 Q I'm sorry. Are you familiar with Janne Ligons case

1 and you investigated it?

2 A Yes. Yes.

3 Q Okay. I've said several times the exception to the
4 CAD runs, the CIU runs, and the Varuna runs, did you
5 search for June 18th around 2:00 a.m. to see whether or
6 not Janne Ligons' name was entered by Charlie 45 during
7 those times?

8 A Yes.

9 Q And what did you find?

10 A It was not.

11 Q Okay. Based upon that, ma'am, during her testimony
12 and during your investigation, did you also learn that a
13 traffic stop had occurred at the location of
14 approximately Northeast 50th to the west of Lincoln?

15 A Yes.

16 Q And was there a business there that had surveillance
17 video?

18 A Yes.

19 Q And were you able to obtain and review some of that
20 surveillance video?

21 A Yes.

22 Q Is that surveillance video date and time documented?

23 A Yes.

24 Q In that regard, ma'am, does that video show that, in
25 fact, a traffic stop with a police car and lights on did

1 occur at that location at approximately a little after
2 2:00 a.m. on June 18th of 2014?

3 A Yes. Yes.

4 Q And describe just generally the quality of that
5 video? What can you see on it?

6 A You can see overhead lights from a police car. The
7 lights are very blinding.

8 Q Okay. But clearly, it's a traffic stop?

9 A Yes.

10 Q Okay. Ma'am, in regards to your investigation, did
11 you have an opportunity to talk to the defendant in this
12 case?

13 A I did.

14 Q And when you spoke to the defendant, was he under
15 Miranda and was he advised of his Miranda rights?

16 A Yes.

17 Q And did he waive those rights?

18 A Yes.

19 Q A stipulation has been entered earlier that his
20 pants were obtained at the end of that interview. Is
21 that consistent with your memory as well?

22 A Yes.

23 Q I believe you were also out of the courtroom
24 whenever the DNA evidence was presented, but based upon
25 your conversation with him -- give me just a minute. I