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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 13 2016

TIM RHODES  
COURT CLERK

46 \_\_\_\_\_

\* \* \* \* \*

TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 1ST DAY OF DECEMBER, 2015,

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

\* \* \* \* \*

VOLUME XVI OF XVIII

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MAY 26 2016 *msm*

ATTORNEY GENERAL

FILED  
IN COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE  
CLERK

REPORTED BY: Kristin L. Taylor, RPR

*3742-2943*

1 (With all parties present, the following  
2 proceedings were had in court in the  
3 presence of the jury.)

4 THE COURT: All right. Let the record reflect  
5 that all members of the jury are present. Counsel for the  
6 State, counsel for the defendant, the defendant is present.

7 The State may call its next witness.

8 MR. GIEGER: Thank you, your Honor. The State  
9 calls Adaira Gardner.

10 (Adaira Gardner was sworn.)

11 THE COURT: Ma'am if you would step right before  
12 me. All right. If you'll have a seat over here in this  
13 chair. Once you get situated, pull that microphone right  
14 around in front of you. If you would state your name and  
15 spell it for us, please.

16 THE WITNESS: Adaira Gardner. A-D-A-I-R-A,  
17 G-A-R-D-N-E-R.

18 THE COURT: All right. Thank you.

19 Mr. Gieger, you may proceed.

20 MR. GIEGER: Thank you, your Honor.

21 ADAIRA GARDNER,  
22 was called as a witness, after having been first duly sworn,  
23 and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. GIEGER:

1 let me just ask it that way. Do you remember that?

2 A 17?

3 Q When you were 17, back in June of 2014.

4 A Yeah. Yeah. Yeah. Yeah. I do remember that.

5 Q And, ma'am, was there a day that you came in contact  
6 with him more than one time?

7 A Yes, there was.

8 Q That's the day I want to talk about, okay?

9 A All right.

10 Q Tell me about what you remember happening that day.

11 A I was -- I just got to Oklahoma City. I didn't know  
12 the neighborhood very well. So I was walking with my  
13 friends, Face and Chocolate. Face and Chocolate, yeah. And  
14 I was trying to get back home and I was trying to get them  
15 to tell me which way it was. But first we just walked  
16 around the neighborhood.

17 Q Let me just ask you this -- just stop you right here.  
18 Face and Chocolate, do you know their real names?

19 A Yes, I do now.

20 Q Did you know them back then?

21 A Yeah, I -- I found them out, like, a little bit  
22 afterwards. We were just getting acquainted, like, around  
23 then.

24 Q Okay. So -- so the people know who you're talking  
25 about --

1 me what my name is or whatever. He runs my name. Then he  
2 comes out and he says something like: Yeah, you have a  
3 couple warrants. But you can take care of those before you  
4 turn 18.

5 Q Ms. Gardner, let me ask you a few things about what you  
6 just told me, okay?

7 A Uh-huh.

8 Q Whenever he asked you your name, did you tell him the  
9 truth?

10 A Yes, I did.

11 Q What name did you give him?

12 A Adaira Gardner.

13 Q And did I understand you to say you actually told him  
14 you knew about some warrants you had?

15 A Yeah.

16 Q Okay. Were those warrants in Oklahoma City or were  
17 they in Muskogee or somewhere else?

18 A They were in Oklahoma City but I was 17 at the time.  
19 So I knew that if I just paid them off they couldn't take me  
20 -- they weren't gonna take me to county, they weren't gonna  
21 take me to juvy either. But I didn't know that at the time.  
22 I know now.

23 Q You used a couple phrases during what you just told me  
24 when you said he would run my name or he ran Face's name; do  
25 you remember saying that?

1 A Yeah.

2 Q Whenever you used the phrase "he ran my name" what do  
3 you mean? Explain what that is.

4 A He would run my name through the database to see if I  
5 had any warrants or stuff like that, I guess warrants.

6 Q Had you been stopped by other officers?

7 A Yes, I've been stopped by other officers before.

8 Q And so you know -- you know kind of the way the routine  
9 works as how they --

10 A Yeah.

11 Q -- check out your information?

12 A Most definitely.

13 Q Is that why you went ahead and told him you had  
14 warrants?

15 A Yeah, because I would rather do that than to be like --

16 Q You knew he'd find out about them?

17 A Yeah, I knew he'd find out so I'd tell him before  
18 anyways and maybe he'd be more lenient.

19 Q So whenever he comes back -- and does he confirm what  
20 you told him that you do have warrants?

21 A Yes.

22 Q And he said you need to take care of them before you  
23 turn 18?

24 A Yeah.

25 Q Okay. After you have that conversation what happens

1 A I started walking back to my house.

2 Q Eventually, ma'am, did you have contact again with this  
3 police officer?

4 A Yes.

5 Q Okay. And are you sure it's the same police officer?

6 A Most definitely.

7 Q Okay. Tell me a little bit about how the second  
8 contact happened -- first of all, why don't you tell me if  
9 you remember what time of day it was. How many -- how much  
10 longer?

11 A It was getting darkening. It was, like, evening. It  
12 wasn't real pitch black yet but it was getting darker. So  
13 it'd probably been, like, maybe -- I don't know how many  
14 hours but it's getting darker.

15 Q So some time had passed --

16 A Yeah. Yeah. Yeah. Yeah. Yeah.

17 Q -- from the first contact?

18 A Yeah.

19 Q All right. And where were you whenever you had contact  
20 with the officer the second time?

21 A I was almost at my mom's house. I think I was on  
22 Blackwelder and I was finna turn onto 10th or finna turn  
23 onto 14th. But I was on Blackwelder I think around 10th --  
24 between, like, 10th and 14th, something like that.

25 Q Let me ask this: Do you know, were you closer to your

1 telling you he's not sure.

2 A Yeah, he doesn't believe me.

3 Q Okay. So what happened at that point? What'd you say  
4 to him or what'd you do?

5 A He said he'll take me down there.

6 Q Okay.

7 A So we got there. I'm, like: Well, she's not home. I  
8 don't have a key. I don't know how I'm gonna get in.

9 Q Did you ride in the police car?

10 A Yes.

11 Q Front or back?

12 A Back.

13 Q All right. And did he take you to the house that you  
14 told him to take you to?

15 A Yes, pulled in the driveway.

16 Q Do you know the address of that house, ma'am?

17 A 1729 Northwest 14th Street.

18 Q 1729 --

19 A Yes.

20 Q -- Northwest 14th Street?

21 A Yes.

22 Q I'm assuming it wasn't -- did he take you straight  
23 there? Like, he didn't --

24 A Yeah. Yeah. Yeah. Straight there.

25 Q Straight -- short trip?

1 Q Okay. And, ma'am, when you get into the mudroom are  
2 you both actually inside the mudroom?

3 A Yes.

4 Q Okay. You told me a few minutes ago that the officer  
5 said he needs to search you. Do you remember telling me  
6 that? Did that happen outside the mudroom or inside the  
7 mudroom?

8 A No, not until after we got in there.

9 Q So you're in there. And is the door closed?

10 A Yeah, I don't remember if he closed it behind him or  
11 not. But it -- it wasn't -- it wasn't that same kind of --  
12 the door wasn't off the hinge so it closed shut by itself  
13 most the time. It didn't stay open like that.

14 Q Ma'am, so you're in the mudroom. And he says I need to  
15 search you. Can you tell me what happens after that? What  
16 happens next?

17 A We -- I'm sitting at the door because I was still  
18 trying to show him pictures and stuff. But he starts  
19 searching me and puts his hands first like -- like, I had a  
20 tank top on and some shorts. And he puts his hands up under  
21 my clothes. And he starts touching my breasts.

22 THE COURT: Mr. Gieger, could you adjust that  
23 microphone a little bit for us?

24 THE WITNESS: I don't remember -- I don't remember  
25 if he went like down there or up here first, but I remember



1 he stuck his hands up my shirt, like, under my bra. And he  
2 was, like, just touched my breasts and then he like put his  
3 hand inside of my shorts.

4 Q Ms. Gardner, whenever he's doing this -- a moment ago  
5 you said you were facing the door.

6 A Yes.

7 Q Are you facing the door to the mudroom or the door to  
8 your house?

9 A I'm facing the door inside of my house. That's right  
10 -- like, if you open the mudroom door, the house door is  
11 right there.

12 Q Okay. What were you doing with the door -- were you  
13 doing anything with the door at this time whenever the  
14 search started?

15 A I started to get kinda, like, feeling weird. I was  
16 tryna open so I could show him my mail and shit. My -- I'm  
17 sorry. I'm sorry.

18 Q It's okay.

19 A My mail. And then a picture of my mom's name and  
20 stuff. Like, that's my mom.

21 Q Was the door open or closed?

22 A It was closed because I didn't have a key.

23 Q Did you have a key?

24 A No.

25 Q Were you trying to get it open?

1 A Yeah, so I -- yeah.

2 Q How were you trying to get it open?

3 A I didn't have anything to try to get it open. So I was  
4 like --

5 Q Where was your key?

6 A My key was inside behind the dresser. I dropped it  
7 back there and was too lazy to get it so I just used a card  
8 to get in the house.

9 Q Explain how you can use a card to get in and out of  
10 your house.

11 A The kind of lock we had is just the lock that you turn.  
12 You could put a card in right where the door -- it's a  
13 doorknob, like, you put the card in and you can just push  
14 the door right open if there's not a dead bolt.

15 Q So if you shove some type of -- like a credit card?

16 A Yeah.

17 Q Is that what you're talking about?

18 A Yeah, credit card. Knife or anything.

19 Q You shove something in there it would move the locking  
20 mechanism, you could open the door?

21 A Yeah.

22 Q Is that what you were trying to do?

23 A Yeah.

24 Q Is that why you were facing the door?

25 A Yes.

1 Q Now when you told me about the officer touching you, is  
2 he then standing behind you?

3 A Yes, my back was to him.

4 Q And you were motioning as you were describing that, and  
5 you were doing it with both hands. Does he put his hands  
6 around your body?

7 A Yeah.

8 Q You told me he goes underneath your clothes.

9 A Yes.

10 Q Underneath your bra?

11 A Yes.

12 Q And does his hands touch your breasts?

13 A Yes.

14 Q And then you said he also then reached inside your  
15 shorts?

16 A Yes.

17 Q Did you have on panties?

18 A Yes.

19 Q Did he go on the outside or underneath your --

20 A He went underneath.

21 Q Did his hands touch your private area?

22 A Yes.

23 Q Whenever he did that, ma'am, did you say anything to  
24 him?

25 A I didn't say anything. I was just --

1 Q How long did that last, him searching you or touching  
2 you that way?

3 A Not that long.

4 Q Whenever he touched your private area did his hand go  
5 in your vagina?

6 A Yes.

7 Q Okay. Did it stay on the outside or go on the inside?

8 A Go on the inside.

9 Q Okay. What went on the inside?

10 A His finger.

11 Q You felt that?

12 A Yes.

13 Q It actually penetrated your vagina?

14 A Yes.

15 Q Did you say anything when that happened?

16 A I just knew I was -- I knew I was in trouble. I  
17 wasn't finna -- like, what can I say after that?

18 Q You knew you were in trouble?

19 A Of course, he started doing it -- like, first he said  
20 he was gonna search me. And that -- that kinda seem kinda  
21 off but then I felt violated and --

22 Q Were you scared?

23 A Of course, I was. He's a huge man.

24 Q Do you have any idea, ma'am, how long that -- was it a  
25 long time that he did this or a short time?

1 A It was -- it was briefly. It wasn't very long, no.

2 Q After he touched you in that way what happened next?

3 A He was like: I don't want to have to take you to jail.  
4 I don't want to make this hard. I can't remember his exact  
5 words it's been so long, but --

6 Q Did he say something about taking you to jail?

7 A Yeah, he said, I don't want to have to take you to  
8 jail. You know you have warrants. I don't want to have to  
9 make this hard -- harder than it has to be.

10 Q He said I don't -- something about how I don't want it  
11 to be hard for you?

12 A Yeah.

13 Q Meaning the situation?

14 A Yeah.

15 Q Do you think he meant about your warrants, is that what  
16 you thought he was saying or something else?

17 A Something else.

18 Q What happened next?

19 A He told me -- told me to -- to -- to bend over and --

20 Q Did you?

21 A I did. I told him I didn't want to.

22 Q What happened then, Adaira?

23 A (Long pause.)

24 He pulled -- I'm sorry. He pulled my  
25 shorts down.

1 Q Did your panties stay on or did -- your panties came  
2 down too?

3 A Came down too.

4 Q Then what happened?

5 A I don't know how I'm supposed to say this.

6 Q Say what he did.

7 A He took his penis out and he put it in my vagina and --

8 Q Did he have sex with you?

9 A I didn't have sex with him. He fucked me on my mom's  
10 porch and left me there.

11 Q Did he say something to you while that was happening?

12 A He said a lot of things. He said, like, is this the  
13 first time you ever fucked a cop? Am I beating it up?

14 Q Said that while this was happening?

15 A Yes.

16 Q About how long did that go on, if you know? Can you  
17 estimate it for me?

18 A Probably, like, about ten minutes.

19 Q Did he cum?

20 A I'm not sure. He pulled out and then --

21 Q That was my next question. How did it stop?

22 A Yeah, he just -- abruptly just pulled out.

23 Q Just stopped.

24 A (No audible response.)

25 Q Adaira, whenever he told you to bend over is -- how did