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

COPY

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

CASE NO.: CF-2014-5869

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

MAR 16 2016

TIM RHODES
COURT CLERK

46 _____

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 4TH DAY OF NOVEMBER, 2015,

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

RECEIVED

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MAY 26 2016

VOLUME III OF XVIII

ATTORNEY GENERAL

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

REPORTED BY: Kristin L. Taylor, RPR

389-796

1 ready to go. So she got the kids out of bed. Her boyfriend
2 was there, Ricky, at the time. They all jumped up. And she
3 called -- she called the police division first. She didn't
4 get no answer on Springlake Drive. She didn't get a answer.

5 Q Okay. Your daughter actually called the Springlake
6 Division?

7 A Oh, yeah, she called. She called. She called 'fore we
8 even left. We didn't get an answer. But then we called
9 downtown to the division and someone answered that division.

10 Q Is there a reason she didn't call 911 or do you know?

11 A At that point I don't -- I don't even know why we
12 didn't call 911. I just -- I just wanted to go to police.

13 A police --

14 Q Ms. Ligons, had she kind of taken what you guys were
15 going to do or were you still --

16 A No. No. No.

17 Q Okay.

18 A No. No. She was just thinking of -- because I was
19 just frantic. She was just helping me out, you know, I'm in
20 a state of mind at that point in time I wasn't even thinking
21 clearly because of what had just happened.

22 Q Okay. Did she make the phone calls or you make the
23 phone calls?

24 A She made the phone calls.

25 Q She made -- so she told you she called Springlake

1 Division?

2 A Yeah. Yeah.

3 Q And no one answered?

4 A Yes. Yes.

5 Q And then she called the --

6 A There was nobody answered.

7 Q -- main number to the Oklahoma City Police Department?

8 A Right, because I was there. No one answered.

9 Q No one answered.

10 A No one answered, sir.

11 Q So what happens next?

12 A We got the kids out of bed. Got them dressed. At this
13 point in time when we get dressed we all get in her SUV.

14 And Richard get in our car because he was getting ready to
15 go to work because he was gonna follow us to the police
16 station, halfway -- he was gonna be late for work and didn't
17 want to go all the way. But he wanted -- but he wind up
18 going all the way. But --

19 Q Where'd you go?

20 A We went to the Springlake police division.

21 Q Why'd you go there?

22 A To tell them what happened.

23 Q That's just where you thought you should go?

24 A Yeah, that's where I thought I should go. I didn't --

25 Q So you went back over to the east side?

1 A I went back to the east side; correct.

2 Q And Richard followed in his car because he was going to
3 work?

4 A In his car, yeah, he was following us in his car.

5 Q And his car is the red Grand Am?

6 A Correct.

7 Q Okay. When you get to Springlake what happens?

8 A We went inside the police division, it was dark. It
9 was no lights. We drove in, it was dark. Weren't no lights
10 nowhere like nobody been there. We try to go around to the
11 back but it was, like, locked up. But there wasn't anybody
12 there at the division. We didn't see anyone.

13 Q Okay. And let me understand what you -- when you say
14 you went in the division, you mean you went into the parking
15 lot?

16 A We went to the parking lot.

17 Q Okay.

18 A I'm sorry. Yeah. Went to the parking lot of the
19 division.

20 Q The lights -- you didn't see lights on in the division?

21 A No, it was -- it was black. It was no lights whatever.
22 No lights.

23 Q Did you try to get anybody's attention in there?

24 What'd you do?

25 A No, wasn't anybody attention to get. It was dark.

1 Nobody was even there.

2 Q So what'd you do then?

3 A We drove off. And we finna (sic) -- finna (sic)
4 head -- just driving, head on trying to -- just driving,
5 like, back towards her house it seemed like. I don't know
6 -- we -- we were just -- we just started driving. And right
7 there and Lincoln we saw two police officers sitting there
8 and they was, like, talking right there at that motel.

9 Q You're motioning with your hands. You mean one car was
10 parked one way --

11 A This way, uh-huh.

12 Q -- and one was parked the other -- the driver's sides
13 are close together?

14 A Uh-huh. We talk them right before we get on the
15 highway. We made a U-turn and went over there and talk to
16 them. We was telling them what happened.

17 Q When you saw those police officers -- I understand you
18 went --

19 THE COURT: Sir -- deputy, would you confiscate
20 that camera. The man's trying to take a picture. Thank
21 you.

22 Apologize. You may proceed.

23 Q (By Mr. Gieger) Ma'am, you see the police officers.
24 What goes through your mind that -- go tell them for help or
25 what are you thinking?

1 A What went crossing through my mind was I was afraid. I
2 didn't know if it was the man that did that. I was afraid
3 to talk to him. I didn't think I was finna to get in
4 another predicament.

5 Q Ms. Ligons, let me ask this question -- I didn't mean
6 to -- I didn't mean to interrupt but let me ask this
7 question: You say you saw these officers back on Lincoln?

8 A Correct.

9 Q Were you in the same location where the assault had
10 occurred or were you somewhere else on Lincoln?

11 A When I -- they were -- that's where the assault
12 occurred on Lincoln. It was like I was west. It was like
13 going, like, the highway east maybe. They was pointed like
14 they was at the motel, like, sitting in the front talking in
15 the parking lot.

16 Q So close to the same location?

17 A Yes, sir. Close to the same location.

18 Q Yesterday you had described the type of car, it had big
19 police letters on the side and you saw that?

20 A Yes.

21 Q Remember that?

22 A Yes, sir.

23 Q Were they the same type of cars or do you know?

24 A I think one was and other one wasn't, I'm not mistaken.

25 Q One was an older black-and-white kind of car?

1 A Uh-huh, I think the other one was a regular -- the
2 other one is a police car. That's why I thought it might've
3 been him. I remember that.

4 Q But nevertheless you stopped?

5 A I stopped.

6 Q And what happened whenever you stopped and made --
7 well, first of all was either one of those officers the same
8 officer that assaulted you?

9 A No, sir.

10 Q So what'd you do?

11 A I got out my daughter's car. Well, we both -- daughter
12 and I both got out. We was talking to the police officers
13 and tell them what happened. And they called the lieutenant
14 or some other guy and he came and did a report. We sitting
15 there wait for him. They told me I need to go to the
16 hospital. And I say: That's fine, I will go. So in the
17 process of waiting on the police officer we was sitting
18 there talking, they was making a report. They axed me to
19 get into the police car so they could do a report. And I
20 said I wasn't getting in without my sister's boyfriend. I
21 wasn't getting in another police car. And when I -- at
22 first when I did get --

23 Q Did you say your sister's boyfriend?

24 A I mean my daughter.

25 Q You daughter's boyfriend.

1 MS. McCONNELL: State calls Frances Carter.

2 THE COURT: All right. Ma'am, if you'd just step
3 around front. If you'd stand right before me. Raise your
4 right hand.

5 (Frances Carter was sworn.)

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

10 THE WITNESS: Frances Carter. F-R-A-N-C-E-S,
11 C-A-R-T-E-R.

12 THE COURT: All right. You may proceed.

13 MS. McCONNELL: Thank you, Judge.

14 FRANCES CARTER,
15 was called as a witness, after having been first duly sworn,
16 and testified as follows:

17 DIRECT EXAMINATION

18 BY MS. McCONNELL:

19 Q Ms. Carter, do you know a person by the name of Jannie
20 Ligons?

21 A Yes.

22 Q And how do you know Ms. Ligons?

23 A My cousin.

24 Q Okay. Is she your first cousin?

25 A First cousin.

1 Q (By Mr. Gieger) And did she describe the event that
2 was making her upset during this phone call with you?

3 A Yes.

4 Q And what did she tell you?

5 MR. ADAMS: Judge, again, I would object as my
6 previous objection.

7 THE COURT: All right. Overruled.

8 Q (By Ms. McConnell) You may answer, ma'am.

9 A She was saying that this police had stopped her.

10 Q Can you say that one more time? I can barely --

11 A Say that this police had stopped her. Made her get out
12 the car. Take off all her clothes. And a car had passed
13 by. And got back in and had his hand on his gun and made
14 her go down on him and stuff, you know. She said he never
15 pulled his gun out the holster. But he kept his gun -- his
16 hand on his gun.

17 Q And you said that Jannie Ligons said that this officer
18 made her -- your words were go down on him?

19 A Yes.

20 Q Were those the words that Jannie Ligons used to you?

21 A Yes.

22 Q Earlier during your testimony, ma'am, you had mentioned
23 that you thought it was important for your son to be
24 involved in this.

25 A She called me and axed me to call my son to see what

1 she could do because she had went to the police station on
2 Springlake Drive and there wasn't anybody there.

3 Q Sure. And let me -- let me stop you, Ms. Carter, so I
4 can understand something. Why did -- what was the
5 importance of your son during this exchange?

6 A He's a police.

7 Q Okay. And what is your son's name?

8 A Anthony Carter.

9 Q Why was Jannie Ligons wanting your son to get involved
10 in this?

11 A Because he worked over there at Springlake Drive and
12 they was closed and she was trying to figure out how to get
13 in.

14 Q Did you call your son, Anthony Carter?

15 A Yes, I did.

16 Q And what was your purpose in calling him?

17 A Because she wanted me to call -- to call to ax him
18 about how to get in. He told me they had closed, that they
19 don't stay open 24 hours.

20 MR. ADAMS: Judge, I'd object to anything
21 Mr. Carter may have told her.

22 THE COURT: All right. Sustained.

23 Q (By Ms. McConnell) Was your purpose to get information
24 for Jannie Ligons?

25 A Yes, on what she should do.

1 of that as well?

2 A Yes, schools that you want to go to that the department
3 can send you to. CLEET requires you -- the Council for Law
4 Enforcement Education and Training require so many hours.
5 We had a sex crimes CLEET had required us to have I think
6 six hours of sex crimes during one of our years of training.
7 And I actually wrote that program for the police department
8 and taught the trainers who were going to train it.

9 Q Detective Davis, you were assigned -- were you assigned
10 on June 18th of 2014, to the investigation of the case that
11 has led to us being here today?

12 A Yes.

13 Q How many months has that investigation spanned?

14 A Since court started really.

15 Q So basically since the reports started it's been
16 ongoing; is that fair?

17 A Yes.

18 Q I want to turn your attention then back to the morning
19 of June 18th, 2014.

20 A Okay.

21 Q How was it that you were first made aware that there
22 had been an allegation that an Oklahoma City police officer
23 had engaged in sexual misconduct with a civilian?

24 A I was on call -- the on-call detective for sex crimes.
25 And I got a phone call from the supervisor.

1 Q And it may be obvious what on call means but why don't
2 you tell us -- since you used that word, what does that mean
3 to be on call?

4 A We rotate. We're on call for a week at a time. And
5 that means you can be called out at any time, day or night,
6 to respond to -- to a call that meets our criteria. Those
7 would be a first-degree burglary/rape which means someone
8 has broken into your house and someone's been sexually
9 assaulted. If patrol is on something and they need a search
10 warrant to get into a house we have to respond to do the
11 search warrant. If someone is abducted and raped.

12 Q Let me ask this: Was this a call-out?

13 A Yes.

14 Q Okay. When did you get the call if you recall
15 approximately and what did you do upon receiving that first
16 information?

17 A It was at 4:00 in the morning.

18 Q 4:00 in the morning?

19 A Yes.

20 Q What did you do?

21 A We have one hour to respond. I responded to Southwest
22 Medical Center.

23 Q And at Southwest Medical Center did you come in contact
24 with Jannie Ligons?

25 A Yes.

1 experience and all that from prior testimony or do you want
2 me to go through it again for this record?

3 THE COURT: Any -- any objection to that?

4 MR. ADAMS: No, your Honor.

5 THE COURT: All right.

6 Q (By Mr. Gieger) Detective Davis, you have testified
7 previously that you came in contact initially with the
8 defendant in this case, Daniel Holtzclaw, in regards to your
9 investigation of an alleged sexual assault of a victim named
10 Jannie Ligons on June 18th, 2014; is that correct?

11 A Yes.

12 Q Your initial conversation or your initial contact where
13 you had an opportunity to actually inquire of Mr. Holtzclaw
14 or talk to him occurred where?

15 A The Springlake briefing station.

16 Q And do you recall approximately what time of day it was
17 whenever you first made contact with him at the Springlake
18 briefing station?

19 A It was a little before 4:00 p.m.

20 Q In the afternoon of June 18th?

21 A Yes.

22 Q 2014?

23 A Yes.

24 Q Do you remember where you were in the station whenever
25 you had that conversation?

1 A We were in somebody's -- we originally started in
2 Captain Clifton's office and then they pulled us to another
3 office and I don't know whose it was.

4 Q And when you say "we originally started in Captain
5 Clifton's office," who was -- was the defendant there in
6 that office at that time with you?

7 A No. No.

8 Q Okay. When was the first time and where were you if
9 you recall whenever you first had contact with
10 Mr. Holtzclaw?

11 A It was in an office, but I don't know whose office it
12 was.

13 Q Another office?

14 A Right.

15 Q And who was present?

16 A Detective Gregory, myself, Captain Clifton, major
17 Jennings might have been there but I don't remember.

18 Q And do you know why -- if you know, why the defendant
19 was at the briefing station at that time?

20 A Lineup on second shift is -- starts at 4:00 p.m. and he
21 was due to work that day.

22 Q So he had come to work in his police uniform with
23 his -- with his vehicle ready to go to work?

24 A Yes.

25 Q Okay. Was he escorted into the room or do you recall?

1 A I don't -- I was in the room when he came in. I don't
2 know if he was escorted in.

3 Q Do you know if anyone else came in with him?

4 A Captain Clifton did.

5 Q Okay. So Captain Clifton had left the room and then
6 when Mr. Holtzclaw came in Captain Clifton was accompanying
7 him?

8 A Yes.

9 Q Do you know if anything had been said to Mr. Holtzclaw
10 at that point whenever you started that conversation? Do
11 you know?

12 A I don't know.

13 Q Okay. Now later there's another interview that occurs;
14 correct? Down at the downtown police department.

15 A Yes.

16 Q At that subsequent interview is there a reference that
17 another officer had informed Mr. Holtzclaw that you wanted
18 to talk about a traffic stop at 50th and Lincoln?

19 A Yes.

20 Q So you didn't know that Mr. Holtzclaw knew that at the
21 moment he walked into that room, but later in the day when
22 you continued to talk to him you'd learned that someone had
23 said something to him about this traffic stop?

24 A Correct.

25 Q When Mr. Holtzclaw entered the room, ma'am, what is it

1 A Yes.

2 Q All right. What information if any did you learn from
3 their efforts that assisted you in your investigation?

4 A They had ran through AVL all of second shift Springlake
5 officers with a 2013 car, because those car are all black.

6 Q Are those the cars that have the big police letters?

7 A Right.

8 Q And why were you looking at those cars?

9 A Because Jannie said that he -- that the officer was in
10 a newer car which is all black and it has the big white
11 letters on it.

12 Q You said AVL. I think I may have mentioned AVL in my
13 opening statement. Tell the jury what your understanding of
14 AVL is.

15 A It's automated vehicle locater. It's GPS on the cars.

16 Q Okay. So the police cars have GPS on them?

17 A Yes.

18 Q Do you know for -- for the GPS to be working what has
19 to be on in the car?

20 A Have to have your computer on.

21 Q Have to be logged into the system?

22 A Right.

23 Q All right. So I interrupted you. You met with these
24 and they were discussing AVL for the newer model cars with
25 the police on the side. And what -- what information was

1 helpful to you?

2 A They had eliminated all of the officers by AVL that had
3 been at -- there were no officers that had been at 50th and
4 Lincoln except they couldn't eliminate Mr. Holtzclaw because
5 his AVL was not on.

6 Q And were they looking at a specific time period?

7 A Yes, at 6:18 at -- right after two shift.

8 Q And, again, tell me when two shift starts and two shift
9 ends?

10 A 4:00 p.m. to 2:00 a.m.

11 Q So sometime around the 2:00 a.m. period they tried to
12 see did anybody who had one of these kind of cars, were they
13 at 50th and Lincoln?

14 A Right.

15 Q Nobody was from Springlake but one officer had his
16 system turned off?

17 A Right.

18 Q All the other officers had their systems turned on?

19 A Correct.

20 Q Who was that officer?

21 A Daniel Holtzclaw.

22 Q Once you identified Daniel Holtzclaw as being the
23 person who you don't know where he was at that time --

24 A Right.

25 Q -- what decisions were made or what did you do in your

1 any way?

2 A No.

3 Q It's just as you told him?

4 A Right.

5 Q What was his response?

6 A He said: I made a traffic stop at Northeast 50th and
7 Lincoln after shift and I didn't call it in.

8 Q All right. At that point did you say anything else to
9 him about that?

10 A No.

11 Q Didn't follow up with what you were doing or anything
12 like that?

13 A No.

14 Q Okay. Tell me why you wouldn't go ahead and follow up
15 at that point.

16 A Because at that point when he told me that I knew he
17 was the officer that made the traffic stop and if I wanted
18 to talk to him about that I needed to read him his rights.

19 Q So at this point the efforts -- you heard Sergeant
20 McBride testify about what he was trying to do by swabbing
21 the phone and looking in Jannie Ligons' car; correct?

22 A Right.

23 Q And do you remember what he said his purpose really was
24 trying to do?

25 A Collect evidence.

1 tell he's going into the parking lot to end his shift.

2 Q And if I back up, you see there's other parking --
3 there's other spots and other places as well; correct?

4 A Right.

5 Q When I go north on Prospect do you see how there's a
6 red line tracking?

7 A Yes.

8 Q Okay. Well -- ignore that.

9 Do you see the last time -- and I'll let you look
10 at it if you need to -- if you look at this dot right here
11 going north on Prospect, all right?

12 A Okay.

13 Q It looks like there may be -- there may be two of them
14 there, is that what we're seeing?

15 A Yes.

16 Q Okay. There's -- and it looks like it just ran it
17 twice because it says 2Charlie45, 6/18/2014, 1:58:01. And
18 it looks like it just printed it twice, does it not? The
19 computer did.

20 A Yes.

21 Q Both of them it says they're going 22 knots?

22 A Right.

23 Q And, again, this is -- this is the end of this run, 22.
24 And then it starts 2Charlie45 again.

25 A Right.

1 Q So for whatever reason the computer hit it twice.

2 A Right.

3 Q And I know it doesn't go on but on your -- in your
4 investigation did you learn that's the last hit his AVL
5 system showed at that time --

6 A Yes.

7 Q -- on the early morning hours of June 18th?

8 A Yes.

9 Q And what does that signify to you?

10 A He turned off his computer.

11 Q He's going -- it appears the way you've looked at it
12 he's going north on Prospect as he leaves the briefing
13 station?

14 A Yes.

15 Q Is Northeast 50 up here?

16 A Yes.

17 Q North in the direction he's headed?

18 A Yes.

19 Q All right. About how long did it take you and
20 Detective Gregory to transport -- let me rephrase -- to
21 drive Officer Holtzclaw? Were the three of you riding
22 together?

23 A Yes.

24 Q Was he in the front or the back or --

25 A He was in the front passenger seat.

1 she was exposed, do you remember what his responses were in
2 that regard?

3 A He couldn't -- well, one was, like, I can't -- I don't
4 think I did, I don't recall.

5 Q Was that significant to you?

6 A Yes.

7 Q Why?

8 A Because I -- if you saw somebody's breasts you're going
9 to recall that or you're going to remember that.

10 Q At one point during the interview, ma'am, you asked
11 this question: Do you recall putting her (sic) penis in
12 your -- her mouth? Do you remember that?

13 A Yes.

14 Q And do you remember what his response was?

15 A "I don't recall."

16 Q Is that significant to you?

17 A Yes.

18 Q There is a time during his interview that you
19 interjected a question about whether or not Officer
20 Holtzclaw obtained an erection during this traffic stop; do
21 you remember that?

22 A Yes.

23 Q Why did you ask that?

24 A Well, I was -- at that point in the interview I'm still
25 kind of trying to give him a way out and -- and giving him

1 impartial in your investigations; correct?

2 A Yes.

3 Q And you know that's a critical part of you being a
4 detective.

5 A Correct.

6 Q Because you can change the lives of people with the
7 signature of your pen; correct?

8 A Somewhat, yes.

9 Q Now in regards to this investigation of Daniel
10 Holtzclaw you first became aware of it on June the 18th of
11 2014.

12 A Right.

13 Q And you were actually dispatched you went out to the
14 hospital; correct?

15 A Yes.

16 Q And you testified yesterday about all the things you
17 did and talked to Ms. Ligons. You then went out to the
18 alleged scene and you viewed that and viewed where you
19 thought there might have been some video that was later
20 recovered and stuff; correct?

21 A Yes.

22 Q Now that video -- the video that we played yesterday in
23 court, that's the only video we have in this case; correct?

24 A Yes.

25 Q I mean, there's no other video that's going to surface

1 A It's a vagina.

2 Q Okay. And he says sex and -- and he -- and you say:
3 Sex; what about anal sex? You're asking him --

4 A Then I asked, yes.

5 Q What's the purpose of asking -- clearly, Ms. Ligons did
6 not allege he had anal sex with him (sic). Why are you
7 asking about anal sex? To see if he's a sexual deviant of
8 some kind?

9 A No. No. I was just trying to see what he preferred
10 because we had the -- we had Jannie saying oral and then we
11 had Terri Morris saying oral. And I'm trying to see if
12 that's his preference. Some guys would rather have a blow
13 job than have sex.

14 Q And he tells you: No, I don't like it that way. And
15 you say, okay; correct?

16 A Correct.

17 Q Then there's some discussions about Terri Morris; and I
18 think that Mr. Gieger cleared up some of it on direct
19 examination. When the interview first starts with
20 Mr. Holtzclaw you would agree that Ms. Morris had lied in
21 regards to any location of any alleged event if it ever took
22 place to begin with; correct?

23 A I knew very little about Terri Morris' case. And I was
24 just kind of rolling with Detective Gregory on the questions
25 with that because I -- I hadn't at that point had any

1 involvement in her case or interviewing her or anything.

2 Q In any event, the locations -- from what -- what she
3 eventually says to what she said at the time, it was all
4 kind of messed up at the time.

5 A Yes.

6 Q Any event he denies even knowing Terri Morris. And
7 he's actually shown two pictures of Ms. Morris; correct?

8 A Correct.

9 Q But as Officer Holtzclaw's looking at those two
10 photographs of Ms. Morris he thinks they're two different
11 people.

12 A Correct.

13 Q And is it because the pictures are so distinctively
14 different?

15 A She's really different in her pictures, yes.

16 Q And he's -- and he tells you point-blank, I've never
17 seen either -- I don't know who either one of those people
18 are; correct?

19 A Yes.

20 Q And in fact he tells you that her name doesn't even
21 ring a bell.

22 A Right.

23 Q And then when he talks about coming down to the --
24 because -- Officer Holtzclaw would not be one of the patrol
25 officers you would expect to see on a frequent basis

1 from what we originally thought we had. And Tabitha Barnes
2 was on the list that I had of a subject that he came in
3 contact with.

4 Q How was that list prepared? Because this -- would this
5 be relevant for other ladies who may testify in this trial
6 as well who are alleged victims?

7 A Absolutely, yes.

8 Q And how is -- how was that list prepared if you recall
9 which you then began looking at to determine if they needed
10 to be made contact with?

11 A Well, Detective Davis and I's supervisor, Tim Muzny had
12 went through this list of -- it's a Varuna checklist that we
13 talked about before -- of females that he's come in contact
14 with and ran. And that was our very first list. Lieutenant
15 Muzny went down through that list and had verified some
16 females that had, like, a past history, maybe prostitution
17 or had some kind of drug problems, drug arrests. And so
18 that's kind of the list we started off in the very
19 beginning.

20 Q And Varuna is the -- is the database that the jury's
21 heard about already that shows if a report's been entered or
22 if a field contact has been made, those types of things.

23 A That's correct.

24 Q All right. From that list was Tabitha Barnes
25 identified as someone that you felt should be contacted to

1 see if anything -- if she had any relevant information?

2 A Yes.

3 Q And did you do that?

4 A Yes, I did.

5 Q You heard Mr. Adams ask a little bit about the first
6 contact and -- and how that occurred. Can you just briefly
7 kind of tell me how it is that you got to where you could
8 interview her and talk about what had happened?

9 A I believe I tried to make phone calls first with no
10 luck. Seemed like the phone calls -- was disconnected or
11 phone lines that we had for a number. So I -- on that
12 August day I went to her residence at 1530 Northeast 15th
13 and had come in contact with her. Just knocked on her door,
14 met her then.

15 Q And what was her demeanor and how'd that go?

16 A Right off the bat she just kind of gave me a look like,
17 what are you doing here. And you could just kind of see her
18 wheels spinning a little bit. And I just -- I basically
19 told her -- I said that, you know, we had a tip that maybe
20 that you were sexually assaulted. And just kind of put it
21 like that. And her head just sunk down and she said: Who
22 told you? And then we went from there.

23 Q Let me ask you, Detective, why would you interject the
24 concept of I'm investigating a sexual assault? Why would
25 you just not make contact with her, take some generic

1 question, like, I'm here to see if there's anything you need
2 to talk to me about or anything like that? Or however. Why
3 did you choose to approach it that way?

4 A It's such an odd question, I didn't want to lead her
5 into -- I didn't bring up Officer Holtzclaw's name, anything
6 like that. My whole thing -- Detective Davis and I's whole
7 thing was trying to make sure we had truthful victims,
8 victims that we didn't feel like that was lying. So we just
9 kind of put it very vaguely to them, or like I did with
10 Tabitha, to see if -- what their response would be. And we
11 just kind of worked from there. Also kind of to just kind
12 of gauge a little bit on whether, you know -- whether
13 they'll tell me the truth really.

14 Q Eventually were you able to obtain information that was
15 relevant in the investigation essentially consistent with
16 what Ms. Barnes testified to today?

17 A Yes, I believe so.

18 Q Okay. After you received her allegations that
19 something inappropriate had happened, what did you then do
20 in your investigation to try to determine or not if that's
21 accurate information?

22 A Went back to verify. Once she let me know if she was
23 sexually assaulted by -- by an officer she kind of gave me a
24 rough estimate of the time she could remember, best she
25 could recollect. I went back, verified. She kind of

1 described the officer, which I believed, you know, she was
2 saying his name was Spike. She described Officer Holtzclaw.
3 Went back to previous contacts that she's had with the
4 police and come up and verified dates and times and
5 interactions and how she described everything using AVL and
6 our other sources, Varuna and CIU contacts where he did run
7 her.

8 Q Detective, in this investigation, and in others as
9 other ladies were identified, is the initial contact done
10 off of that Varuna list and then the other things like CIU,
11 AVL, those types of things, did those come second after you
12 got some type of a disclosure?

13 A That's correct.

14 Q And that was the routine you took in this
15 investigation?

16 A Yes.

17 Q I'm going to show you Number 166 and ask if you can
18 identify what Number 166 is, sir.

19 A This is going to be a Varuna list of who Officer
20 Holtzclaw had ran on specific dates.

21 Q Is this part of the list that Lieutenant Muzny had put
22 together in seeing all the different people that Officer
23 Holtzclaw ran?

24 A Yes.

25 Q And is Tabitha Barnes' name on it?

1 MS. McCONNELL: State calls Detective Gregory.

2 THE COURT: All right. Detective, let me remind
3 you you're still under oath.

4 DETECTIVE ROCKY GREGORY,
5 was called as a witness, after having been previously duly
6 sworn, and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. McCONNELL:

9 Q Detective Gregory, tell the jury how you got Carla
10 Raines' name in this case.

11 A When we come across this investigation in reference to
12 Officer Holtzclaw we started going back through Varuna
13 records at first. Detective Davis and I's supervisor,
14 Lieutenant Muzny had started going through that list of
15 female subjects that Officer Holtzclaw had ran during a
16 certain time period. We eventually ended up having to
17 expand that the more victims we got. In doing so you come
18 across -- you come across certain females that he ran and
19 then he would run their past history; prostitution, drug
20 arrests, things of that nature. And then he put together a
21 list which, again, that list did expand. And then we would
22 go and try to contact those females to see if they were
23 victims.

24 Q And just to be clear, Detective Gregory, is this the
25 same method that you used and told the jury about with

1 respect to Tabitha Barnes?

2 A That's correct.

3 Q And did you make an effort to make contact with Carla
4 Raines?

5 A Yes, I did.

6 Q Tell me about how you did so.

7 A When I first saw Carla Raines' name I tried to go back
8 in her history as far as, like, phone numbers, try to call
9 those. Left messages and then also eventually led me to the
10 last residence she had. And it was -- I left a card there.
11 And then Carla did contact me back.

12 Q And as you've had an opportunity to sit here in the
13 courtroom and listen to Defendant's Exhibit 2 which was just
14 played which was the interview with Carla Raines; correct?

15 A Yes.

16 Q During that interview did you hear yourself and
17 Ms. Raines allude to a phone call that you -- the two of you
18 had together?

19 A Yes, she -- she called me back just to kind of see what
20 it was in reference to. I had to be kind of vague in
21 reference to why I was trying to -- what I was trying to ask
22 her about. I couldn't tell her Officer Holtzclaw's name. I
23 didn't want to just lead her on in a certain direction. And
24 I just kind of advised her I received a tip that maybe she
25 was sexually assaulted. And she kind of hem-hawed around

1 like there had been something but she didn't quite want to
2 say. So I asked if I could come to her residence at that
3 time and she agreed to meet me.

4 Q Did -- prior to your interview that we've just listened
5 to with Ms. Raines did the two of you just have that one
6 phone call?

7 A Yeah, it was very short lived. It wasn't very long.
8 That's correct.

9 Q Did you give her any specific information regarding
10 dates or locations that you thought that an assault might
11 have occurred at --

12 A No.

13 Q -- in that phone interview?

14 A No.

15 Q During the interview that we've listened to there was
16 kind of some noise prior to whenever you actually started
17 speaking with Ms. Raines; did you hear that?

18 A The locusts?

19 Q Sure. Sure. But did you and Ms. Raines talk at all
20 prior to you recording that in-person interview?

21 A No, I mean, we just -- we talked very briefly just on
22 the phone and that was it.

23 Q So whenever we hear you greeting Ms. Raines that is in
24 fact the first face-to-face contact you had with her?

25 A That's correct.

1 Q Sir, in regards to your supervisory responsibilities
2 for the sex crimes unit, that's your current assignment; is
3 that right?

4 A Yes, it is.

5 Q Tell me a little bit about what the supervisor for the
6 sex crimes unit does.

7 A The main thing is in the mornings review cases, see
8 which cases come in. Review those cases to see if the case
9 is going to be assigned. After looking at the case if it's
10 gonna be assigned I assigned it to one of my detectives.
11 And then once they get the case follow up with some of their
12 reports, approve reports that they've done, and if there's
13 anything else that we need to try to help make things go
14 smoother I try to get it for them.

15 Q Sir, did you become involved in your unit's
16 investigation of the allegations against Officer Daniel
17 Holtzclaw?

18 A Yes, I did.

19 Q And were you -- when did you become involved in that?

20 A The -- it's gonna be the night of our initial --
21 initial victim at 50th and Lincoln.

22 Q Ms. Ligons?

23 A Yes.

24 Q Okay.

25 A I received a phone call from the on-call supervisor

1 that night and he told me that they had an allegation of
2 assault where the suspect was an officer. And I had talked
3 to the other supervisors that are on the on-call rotation
4 and I've told them that they if they get a call that's in
5 reference to an officer involved that I would like to be
6 notified because my unit's the one's that's gonna be doing
7 it, working the case, and I would like to be notified and
8 get there on the ground level.

9 Q As a supervisor with the Oklahoma City Police
10 Department is it concerning to you when allegations are made
11 that an officer is engaged in criminal activity?

12 A Yes, it is.

13 Q As a supervisor with the Oklahoma City Police
14 Department would you direct your detectives to work
15 diligently to try to see if there's any falsity to those
16 allegations?

17 A Yes, we work -- you work all cases -- you know,
18 basically you work all cases the same but you work as hard
19 to either prove or disprove a case.

20 Q And would that be the same not only with this case but
21 with all cases?

22 A Yes.

23 Q Sir, in that regard as the case unfolded did there --
24 was there a time when a concern was identified that there
25 could potentially be other potential victims of Officer

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 Q This has been introduced into evidence as one of the
2 alleged victims already and that's why this one page is in.

3 A Okay.

4 Q But this is a list of the people who were run in
5 Varuna; correct?

6 A Yes.

7 Q But that's not what actually Varuna shows, this is just
8 them saying they were run. If you actually ran them in the
9 Varuna database, would you be given a lot of different
10 information about those individuals?

11 A Yes, when you -- if you put that name -- if you run the
12 name in Varuna, when you run it through the system it will
13 show their most current -- it will show the last address
14 associated with that person that Oklahoma City has. It'll
15 also show previous addresses, aliases. It'll show an alert
16 and comment section; if something was a run-away, if they
17 have a mental -- mental health history. It'll also show
18 contacts where if somebody -- if a street officer made
19 contact with someone and they did what's calls a field
20 interview card on them, if that card was turned in through
21 the briefing stations, that that card eventually gets
22 entered into Varuna.

23 Q Sir, I'm going to approach for just a minute. I'm
24 gonna hand you State's Exhibit Number 407. When you talk
25 about a Varuna printout is that consistent of what a Varuna

1 printout is?

2 A Yes, it is.

3 Q And there's several pages. And does it contain the
4 type of information -- specifically this one is on Lynn
5 Gibson, a/k/a Florene Mathis, would you agree?

6 A Yes.

7 Q That's the type of information that's gonna be
8 available to any officer whenever they pull Varuna either
9 when they come in contact with an individual on the street
10 or in your case as you were going through the typewritten
11 list and the Word document, this is -- is this the type of
12 information you were looking at in order then to tell your
13 detectives to go talk to these people?

14 A Yes, it is.

15 Q All right. So as far as the personal handwritten list
16 you produced, did you ever give that to either one of your
17 detectives?

18 A No.

19 Q In your report you will agree that you referenced
20 making that handwritten list.

21 A Yes.

22 Q And you've seen your report; correct?

23 A Yes, I have.

24 Q But that's what you're talking about is you were
25 getting information off of the complete Unit 800 crime

1 information list, those two lists?

2 A Yes, the Varuna and 800, yes.

3 Q And is it your understanding that those documents in
4 their totality have been produced and given over to the
5 defense in this case?

6 MR. ADAMS: Object to the form, your Honor.

7 THE COURT: Sustained.

8 Q (By Mr. Gieger) Is it your understanding they have
9 been produced in this case?

10 MR. ADAMS: Your Honor, again, object to the form.

11 THE COURT: All right. If you know.

12 THE WITNESS: As far as I know, yes.

13 Q (By Mr. Gieger) All right. Additionally, sir, have
14 you been involved in supervising the detectives as this
15 investigation continued after they went out and then
16 attempted to make contact with the individuals that were
17 identified?

18 A Yes.

19 Q Over the months did the scope of the people that you
20 felt should be talked to, did it broaden?

21 A Yes.

22 Q All right. And the investigation has been going on for
23 how long now? Started on June 18th --

24 A June of --

25 Q -- 2014 up to present?

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 --

1 there's a bunch.

2 Q Pushing hundreds?

3 A Yeah.

4 Q Thousands of pages?

5 A Oh, yeah.

6 Q Okay. Why would you not then just go ahead and say,
7 okay, do another report saying I went out and made contact
8 with this person and this person said nothing happened?

9 A There's -- there's just no reason. There's no reason
10 to do it. We don't normally go out and make reports that
11 say nothing happened, there wasn't a crime committed.
12 That's not something that's normally done.

13 Q Are you aware of reports that were made where people
14 did say something was happened but then later was determined
15 to not be credible?

16 A Yes.

17 Q And those were -- were those -- were those documented
18 as you say in a police report?

19 A Yes, they were.

20 Q Even of the individuals who no report was made -- who
21 were contacted and said, no, nothing inappropriate happened
22 with any officer I know of, was a list of those people
23 nevertheless compiled in this case?

24 A A list of the specific names, I don't have -- I'm not
25 aware of anything that's written down that says we contacted

1 these people. My recollection is the noes went in a box.

2 Q Do you know if Detective Davis produced a list of the
3 noes?

4 A A list, no.

5 Q You don't know that?

6 A No.

7 Q Okay. That's fine. I'll ask her.

8 Sir, as the supervisor for the sex crimes
9 detective division of the Oklahoma City Police Department do
10 you think it is unfair to any defendant to not give them a
11 list of people who say, I don't know anything about what
12 you're talking about?

13 MR. ADAMS: Judge, I object to the form.

14 THE COURT: Sustained.

15 Q (By Mr. Gieger) As the supervisor of the sex crimes
16 detective bureau of the Oklahoma City Police Department do
17 you instruct your officers to make reports whenever they
18 come in contact with people who say, I don't know anything
19 about what you're talking about?

20 A No.

21 Q Why don't you do that?

22 A It doesn't make any sense.

23 Q Would you do that -- and is that your policy for cases
24 involving police officers as well as cases involving other
25 defendants who are just civilians?

1 A I wouldn't say that it's -- I don't recall any kind of
2 a written policy anywhere that says --

3 Q Bad choice of words.

4 Is that your practice?

5 A Yes, that we don't.

6 Q And as the supervisor do you see anything wrong with
7 doing that?

8 MR. ADAMS: Judge, again, I object to the form.

9 THE COURT: Rephrase the question.

10 Q (By Mr. Gieger) That's still your practice today?

11 A Yes, it is.

12 MR. GIEGER: I'll stop at this point. Pass the
13 witness.

14 THE COURT: All right. Cross-examination?

15 CROSS-EXAMINATION

16 BY MR. ADAMS:

17 Q Lieutenant Muzny, you are the lieutenant over the sex
18 crimes division; correct?

19 A Yes, on the adult side, yes.

20 Q I'm sorry?

21 A On the adult side, yes.

22 Q On the adult side.

23 Now in regards to this particular investigation,
24 at first this list that you discussed only went back
25 approximately 90 days; correct?

1 A Yes, from April.

2 Q Okay. And then it eventually was expanded back until
3 January; correct?

4 A Yes, that's correct.

5 Q You would agree with me that every time that an alleged
6 victim would say something that a whole new file would be
7 created in regards to that alleged victim.

8 A Yeah, we had -- if someone -- if someone said, yes,
9 something inappropriate happened, we started looking into
10 everything, yes.

11 Q And in fact, every case -- every alleged victim
12 contained a sheet of paper with a report that was dictated
13 by you; correct?

14 A Not dictated by me.

15 Q Well, written or recorded -- a report that was written
16 by you; correct? Dated August the 13th of 2014, do you
17 recall making that report?

18 A I don't understand what you're -- are you saying that I
19 made every report?

20 Q No, absolutely not. And I certainly don't intend to --
21 for you to think that's what I was saying.

22 I'm saying that every time an alleged victim would
23 come and say, okay, something inappropriate happened, a new
24 file would be started and -- and that would eventually be
25 turned over to the defendant or to the defense; correct?

1 A Yes.

2 Q Per name of the alleged victim.

3 A Okay. Yes.

4 Q And it contained therein -- there is a narrative coming
5 from you that's dated August the 13th of '14, where you talk
6 about this list that's been in discussion here today.

7 A Okay. Yeah, I need to see the report that you're
8 specifically referring to.

9 MR. ADAMS: Can I approach?

10 THE COURT: Yes.

11 THE WITNESS: Yes.

12 Q (By Mr. Adams) Okay. And would you -- and the only
13 reason I'm bringing that up is it's a very brief narrative.
14 It's about two paragraphs long; would you agree with that?

15 A That's correct.

16 Q And basically it's just kind of giving you -- giving
17 everybody information on how we got to where we are, how
18 this victim has come about and why you were -- why the
19 police are talking to this particular victim.

20 A That's correct.

21 Q And what it says in there -- and this is authored by
22 you -- that I was specifically looking for women who had
23 either a drug history or a history of prostitution. I then
24 made a list of women who I felt we needed to make contact
25 with to see if they were victims of sexual assault. That's

1 your narrative, it's not mine; correct?

2 A That is correct.

3 Q Which can you understand how anybody could take that to
4 mean that there's this list that exists out there?

5 A Well, like I said, there was a -- I don't know if
6 "list" is a bad choice of words. I guess I could say group.
7 But, yes, I took information from Varuna and from 800, took
8 those together. I wrote down a list so I would know these
9 are the names that I need to look at so I can pull them up
10 over here. But, yes, once -- once I did that, the packet --
11 I'm gonna call it a packet -- that had their name and the
12 Varuna history on it, that was disseminated to my
13 detectives.

14 Q Lieutenant, I'm not -- I'm not accusing you of any
15 improprieties. I'm just trying to figure out exactly what's
16 going on and why -- why we always believed that there was
17 this list. There actually was a list that was handwritten
18 that you've now destroyed; correct?

19 A That would've been -- that would've been destroyed,
20 thrown away, shredded, basically right after -- right after
21 I was done with it.

22 Q You're very familiar with what's called Brady
23 obligations or exculpatory information, aren't you?

24 A Not very familiar, but familiar.

25 Q As a police officer you know that it's extremely

1 important, do you not, to give either Brady or exculpatory
2 information to an accused?

3 A That the list that you're referring to?

4 Q Yes.

5 A Officers' notes is not something that we're required to
6 keep or to give out.

7 Q That wasn't my question, Lieutenant. My question is
8 very simple. You are under an obligation as an officer of
9 the law to turn over Brady or exculpatory information to the
10 accused; correct?

11 MR. GIEGER: Your Honor, I ask that he defines
12 what that means to him. He said he's not very familiar with
13 what that means.

14 THE WITNESS: Yeah, you're --

15 THE COURT: Well, if you can answer the
16 question -- if you know how to answer the question you can
17 answer the question.

18 THE WITNESS: It would help me if you would.

19 Q (By Mr. Adams) Okay. If there is anything out there
20 tending to prove that an accused isn't -- didn't commit
21 whatever crime they're accused of, you're required to
22 provide that information; correct?

23 A I would say yes.

24 Q Okay. And you would agree with me that if you made a
25 list of individuals that you thought under your own scenario

1 should be interviewed that eventually those interviews were
2 carried out; correct?

3 A Those people were contacted, they weren't --

4 Q Well, those -- they were contacted and interviewed.

5 A Contacted and interviewed, okay.

6 Q Are we agreeing with each other that that's what
7 happened?

8 A Yes.

9 Q Okay. And then a number of these women, in fact over
10 two-thirds of them said nothing happened; correct?

11 A Yes.

12 Q Okay. And you would agree with me that whenever an
13 officer -- whenever either of these detectives would go out
14 and interview these individuals that you had targeted -- you
15 had targeted under your parameters and said these are the
16 ones we need to talk to. And if those individuals said
17 nothing happened, absolutely nothing at all, that they
18 wouldn't make a report or anything?

19 A No, they did not.

20 Q Okay. And then, again, there's -- is -- how would I --
21 I, since you've destroyed that list of these people that
22 they went out and talked to, how would I know who those
23 individuals are and what they said?

24 A I'm not sure how you would know what those people --
25 what those people said.

1 Q Did you require your detectives underneath your command
2 to audiotape all of the interviews they conducted, including
3 the ones where people said nothing happened?

4 A No, the only ones that we recorded were the ones that
5 we were -- the people that said something actually happened
6 and that was directed by command.

7 Q So it would be a fair statement to say that you
8 intentionally excluded anyone that said it did -- nothing
9 happened?

10 A We didn't spend time on something that --

11 Q My question's very simple, Lieutenant. Is it fair to
12 say that you excluded anyone that said nothing happened?

13 A That'd be correct.

14 Q Now you went on and told your detectives that you
15 wanted them to interview people on the list that you
16 started; correct?

17 A On the list that I -- on the packet that I handed them,
18 yes.

19 Q But, again, in your narrative you call it a list;
20 correct?

21 A Originally, yes, that -- I would've had to have a list
22 to get my names, yes.

23 Q Now you also testified that you were over the sex
24 offender registration unit; correct?

25 A Yes.

1 Q And you would agree with me that it is absolutely legal
2 for a registered sex offender here in Oklahoma County if
3 they're a registered sex offender to -- they have to at all
4 times maintain their residence with the Oklahoma City Police
5 Department; correct? They have to notify you of where that
6 is.

7 A Yes.

8 Q And it is absolutely okay for a registered sex offender
9 to list one address with you but to go spend the weekend
10 somewhere else.

11 A I don't believe that's correct.

12 Q Well, if it -- the -- are you saying that it is not
13 appropriate and not legal for someone to list an address
14 with you, however on the weekends go spend the night at
15 another place or another residence?

16 A I haven't paid any attention to the sex offender laws
17 really since I left there, and I know they've changed.

18 Q When you were in the sex offender -- assuming that they
19 haven't changed in that regard, was it okay and certainly
20 legal here within Oklahoma County for a registered sex
21 offender to on the weekends go spend the night wherever they
22 chose?

23 A As long -- I believe as long as it wasn't -- if it
24 wasn't within the parameters of the 2,000 feet, whether -- I
25 think at that time it -- I'm wanting to say it said

1 knowingly and intentionally reside. I mean, that --

2 Q So I just -- I want to make sure we're clear. So while
3 you were on the sex offender registration, if a registered
4 sex offender told you that they were living at address A and
5 they chose to go stay over at address B that you knew
6 nothing about on the weekends, that's okay with you?

7 A Whether -- I don't understand -- well, I mean, whether
8 it's okay with me or whether it's --

9 Q Is it against the law? Let me just make it very
10 simple. Is it against the law for a registered sex offender
11 on the weekends to go stay at a residence that you as the --
12 over the sex offender registration unit have no idea where
13 they are? Is that okay?

14 A I would say probably yes.

15 Q Okay. So it is okay for registered sex offenders on
16 the weekend here in Oklahoma County to go stay wherever they
17 choose. That's your testimony?

18 A I'm not going to say just on a weekend. I mean, I know
19 there's -- there's something to do with the amount -- the
20 amount of time, I'm wanting to say consecutive days, that
21 they can't stay -- they're not supposed to -- five days is a
22 number that comes into mind. I'm not for sure if it's five
23 or if it's seven. But, yes, if -- you know, if someone's
24 gonna go somewhere and stay for a day or two, I think that'd
25 probably be okay.

1 Q And they don't have to report that to you?

2 A No.

3 Q Or anyone in the sexual registration?

4 A Not that I'm aware of.

5 Q In addition to that it's okay for them to stay with
6 minor children that are not their own; correct?

7 A I think it depends on what they've been charged with.

8 Q And assuming that they've been charged with raping
9 someone or sexual battery of an adult, is it okay for them
10 to stay with minor children?

11 A I think so.

12 Q Okay. And even if they're not their biological
13 children?

14 A I believe so.

15 Q Okay. And in addition to that here in Oklahoma County
16 that a registered sex offender can get -- because I'm trying
17 to understand the registration process. Under your scenario
18 a registered sex offender, whether it be the weekend or
19 whenever, as long as they don't stay too long they can go
20 stay wherever they choose. And that's not against the law
21 here in Oklahoma County?

22 A Like I told you, as far as staying up with everything
23 with sex offender laws, I haven't. They change. But under
24 your scenario I would say yes.

25 Q Okay.

1 A I believe that's correct.

2 Q Are you familiar with a registered sex offender here in
3 Oklahoma County by the name of Terry Williams?

4 A No.

5 Q Okay. Have you been asked at any time by law
6 enforcement or the DA's office or anything here in the last
7 year's period of time to check on an individual by the name
8 of Terry Williams?

9 A I don't know if I have or not.

10 Q You just don't recall?

11 A I just don't. I don't -- I don't want to tell you yes
12 or no either way because I don't -- I don't have specific
13 memory of doing that. We get cases all the time that
14 someone is a suspect or involved party, there's something in
15 there in a report that may say they're a sex offender. So I
16 contact our registration office and get a status on them or
17 a packet from them.

18 Q Let's just say in the last two weeks, have you been --
19 have you been requested by anyone either in law enforcement
20 or with the District Attorney's office to check up on anyone
21 by the name of Terry Williams?

22 A No, sir.

23 MR. ADAMS: Pass the witness.

24 THE COURT: Redirect?

25 MR. GIEGER: Oh, yeah.

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REDIRECT EXAMINATION

BY MR. GIEGER:

Q Lieutenant Muzny, a couple things. If Detective Davis compiled a list of the women that were contacted and they said "no" and that was provided to Mr. Adams, would then you think any Brady issued had occurred even --

MR. ADAMS: Judge, object to the form.

THE COURT: Come up.

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

THE COURT: All right. If a list -- your question was: If a list had been created and turned over to Mr. Adams do you believe a Brady violation occurred? Is that --

MR. GIEGER: Something to that effect, yes.

THE COURT: Okay. And your objection is?

MR. ADAMS: Well, my objection is he never even said -- acknowledged that a Brady violation would occur. So I don't know how me being provided that would offset that. So that's number one. Number two, it's a hypothetical which I object to. Number three, it has nothing to do -- it's outside the scope of recross or cross.

MR. GIEGER: It's directly in response to Mr. Adams saying: How in the world would I representing

1 Mr. Holtzclaw know that you contacted these women that said
2 no when he has signed -- I think Mr. Gray signed a letter
3 saying "receipt of list of women contacted by OCPD who
4 denied any assault by the defendant." And it's signed by
5 Mr. Gray. And Mr. Adams gets up and acts like he's never
6 been told this. That's exactly what the record reflects.

7 MR. ADAMS: No, your Honor, the record will
8 reflect that, number one, he's talking very loudly. But
9 that's fine. Secondly is that I specifically asked him if
10 he kept this list and he said that he destroyed it. So then
11 I was asking, well, if you destroyed it -- number one, it
12 begs the question how does she get this list that she's
13 provided to me if he's destroyed it. I don't know because
14 he --

15 MR. GIEGER: Okay. She's the one who contacted
16 them.

17 MR. ADAMS: I'm trying to make a record now,
18 Mr. Gieger.

19 So he's admitted that he destroyed this list. So
20 my question is: Well, if you destroyed it how can I go back
21 and -- and review it? And I can't because he's destroyed
22 it. That was my question.

23 THE COURT: All right. Well, this is what I'll
24 do. I'm going to sustain the objection to a hypothetical
25 question. You can ask him questions about this list or what

1 he knows about Brady. But a hypothetical question of if
2 Mr. Adams had been provided a list by Detective Davis,
3 I'm -- I think we've got a lot of parsing of words here on
4 who thinks a list is a list and what's not a list. So make
5 your questions specific.

6 MR. GIEGER: Okay. And I don't know if this
7 witness has knowledge of the list that Detective Davis made,
8 but I intend to go there with the next one because Mr. Adams
9 asked him specifically: How am I supposed to know the names
10 of the women who said no, that were not assaulted? How is
11 that fair to me? And he's -- there's a discovery receipt
12 showing that he received the people that were contacted and
13 they said no.

14 MR. ADAMS: That's what -- let me make the record
15 clear. I've received a list that Detective Davis purports
16 to say that she contacted and they said no. This officer
17 clearly made a list, a handwritten list of individuals he
18 wanted interviewed. That list has been destroyed. And my
19 question was very simple. If it's --

20 MR. GIEGER: No.

21 MR. ADAMS: Can I finish making a record?

22 MR. GIEGER: If you'd be accurate, it'd be fine.

23 THE COURT: All right. Enough.

24 MR. ADAMS: My question was very simple. If he
25 destroyed the list how can I go back and determine who he

1 talked to and what they had to say? And that was my -- that
2 was the whole question there.

3 I acknowledge I received a list that is
4 purported -- by Detective Davis that is purported to be a
5 list of individuals that were contacted that said "no," but
6 he's saying he destroyed it so I'm just trying to determine
7 what they're even -- is there another list I don't know
8 about? I don't know.

9 THE COURT: All right. Well, I'll sustain the
10 objection for hypothetical. I'll let you ask questions
11 about a list and whether he knows it.

12 (The following continued within the
13 hearing of the jury.)

14 Q (By Mr. Adams) Do you remember Mr. Adams asking you
15 several questions about Brady?

16 A Yes.

17 Q Do you remember him asking you questions about if you
18 have any evidence that would indicate that a crime was not
19 committed you have an obligation to turn it over?

20 A Yes.

21 Q Do you remember him asking you about if people were
22 contacted who said nothing happened to them?

23 A Yes.

24 Q Do you remember him asking you: How would I know that
25 if you didn't tell me? Do you remember him asking that?

1 that you had been stopped at Liberty Station Apartments or
2 did you tell them that you had been stopped somewhere else?

3 A No, I lied and told him somewhere else because I didn't
4 want my boyfriend to know at the time, which was Chris
5 Shelton, that, you know, because I wasn't supposed to be
6 over there.

7 Q Where did you tell officers that you had gotten stopped
8 at?

9 A I think around by the rescue mission down the street.
10 Somewhere down -- I don't know, somewhere downtown.

11 Q When you say that you didn't tell them about Liberty
12 Station because you weren't supposed to be there, why were
13 you not supposed to be there?

14 A Well, because I didn't want my boyfriend to know.

15 Q Why didn't you want him to know?

16 A Because I didn't want him to know I was using drugs.

17 Q Okay. Is that what you were at Liberty Station
18 Apartments for that day?

19 A I don't know, I -- I think so. I don't think I was
20 even using, but I had been.

21 Q And, ma'am, do you take a prescription medicine for
22 your moods right now?

23 A Yeah, I take imipramine a which is prescribed from Red
24 Rock.

25 Q After you told Detective Gregory initially that you had

1 been stopped at the City Rescue Mission, did you later tell
2 him that it was actually Liberty Station Apartments where
3 you stopped?

4 A Yes.

5 Q Why did you tell him that?

6 A Why?

7 Q Uh-huh.

8 A Because -- well, they were figuring it out anyway. I
9 mean, everything was coming to the open so it wasn't no --

10 Q Did you talk to Detective Gregory more than one time
11 about this?

12 A About what?

13 Q About what had happened with the officer who stopped
14 you at Liberty Station.

15 A Yeah, we did. He tried to get me to file a report
16 several times. They took more time looking for me though.

17 Q And would -- when you said they wanted you to file a
18 report, was that something that you wanted to do?

19 A I did, but I didn't. I was scared.

20 Q Tell me what you mean by "I did and I didn't."

21 A I wanted to file one, but I was -- didn't want to
22 because I don't want no -- none of the police friends or
23 nobody to come and threaten me or something. I was scared.

24 MS. McCONNELL: May I have a moment, your Honor?

25 THE COURT: Yes.

1 THE COURT: Come on up.

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

5 MS. McCONNELL: Judge, how this has affected her
6 and any changes in her daily behavior goes straight to her
7 credibility and will be relevant.

8 MR. GRAY: Just, it has nothing to do with whether
9 this occurred or not, whatever day she puts it at and it's
10 just irrelevant.

11 THE COURT: Okay. Well, I'll sustain the
12 objection.

13 (The following continued within the
14 hearing of the jury.)

15 MS. McCONNELL: I'll pass the witness.

16 THE COURT: All right. Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. GRAY:

19 Q All right. Ms. Morris, just so we can get a clear
20 picture of what happened here, your first contact with
21 police was actually on May 24th of 2014 at 23rd and Kelley
22 when we first hear about this; correct?

23 A I guess. I don't remember the date.

24 Q You were having a domestic incident with Mr. Shelton;
25 correct?

1 A Right.

2 Q And if the records reflect May 24th of 2014, do you
3 dispute that at all?

4 A No, sir.

5 Q Do you recall it being around 3:00 a.m.?

6 A Yes, sir.

7 Q Do you recall walking down Kelley around 3:00 a.m. and
8 being picked up by Mr. Shelton?

9 A Yeah.

10 Q Do you recall getting into an argument with him at that
11 time?

12 A Yes, sir.

13 Q And you all go to a -- there's a Valero station at 23rd
14 and Kelley, is there not?

15 A Yes, sir.

16 Q And he pulls over there.

17 A Yes, sir.

18 Q Y'all are arguing.

19 A Yes, sir.

20 Q You start tearing up his radio.

21 A Yes, sir.

22 Q Start beating up the inside of his vehicle.

23 A Yes, sir.

24 Q He calls 911.

25 A Yes, sir.

1 Q Are you -- did you refuse to get out of the car?

2 A Yes, sir.

3 Q When the police arrived you were actually out running
4 around in the parking lot, weren't you?

5 A No, I wasn't running around the parking lot. I had
6 been high, confused and upset and high and confused and I
7 just was --

8 Q What were you high on, ma'am?

9 A Crack cocaine.

10 Q And how soon -- before 3:00 a.m. how soon prior to that
11 had you smoked it?

12 A Probably a couple hours, but I had been up a few -- a
13 couple days since my incident.

14 Q So you'd been up a couple days since your incident;
15 correct?

16 A Uh-huh.

17 Q And are we calling your alleged assault by this officer
18 your -- the incident?

19 A Yes, sir.

20 Q Okay. Ma'am, a couple days before that would be around
21 May 20th, May 21st of 2014; would that be accurate?

22 A Yeah, I can tell you exactly how accurate, about three
23 or four days.

24 Q Prior to the domestic incident we've talked about;
25 correct?

1 A Yeah.

2 Q Now out there at 23rd and Kelley you talked to several
3 officers, did you not?

4 A Yes, sir.

5 Q Do you recall giving them details of what happened?

6 A Yes, sir. Actually, Chris Shelton was -- was -- was
7 started -- was telling it. Telling me to -- that I need to
8 tell them what I told him.

9 Q Okay. Then did officers take you away from Mr. Shelton
10 and interview you away from him?

11 A We were -- we were -- they was talking to us in the
12 parking lot mostly about the domestic. Then when that came
13 to the light they were talking to me -- he was still there.

14 Q They place you in the back of a squad car while they
15 were interviewing you?

16 A No, sir, they were talking to me outside.

17 Q Just standing out in the parking lot out there?

18 A Yes, we were all outside.

19 Q Now were you and Mr. Shelton dating at this time?

20 A Yes, we were together.

21 Q When did y'all break up?

22 A Right when I had lied about being over there. And he
23 was mad because he hadn't seen me in them few days.

24 Q Okay. When did you lie about being over there?

25 A That night that we had our argument.

1 Q So you -- you told Mr. Shelton on that night that you
2 had been at Liberty Station?

3 A No, I told -- had told him I wasn't at Liberty Station
4 when it happened. I told him that it happened downtown.

5 Q You told Mr. Shelton it happened downtown?

6 A Yeah, by the rescue mission because I wasn't 'posed to
7 be in that area.

8 Q Back to my original question: When did you and
9 Mr. Shelton break up?

10 A That night.

11 Q That night. Do you recall talking to an Officer
12 Jonathan Thomas out there?

13 A I don't remember their names.

14 Q But you do recall talking to several officers?

15 A Yes.

16 Q Do you recall telling the officers that the officer
17 that had assaulted you did not wear a condom?

18 A No, I said he had on a condom.

19 Q That's what you told the officers that night?

20 A I've always said he had on a condom.

21 Q Okay. Then the officers, after they interviewed you,
22 they let you go; correct?

23 A Yes.

24 Q Because you at the time were homeless.

25 A Yes.

1 by an Officer Maly?

2 A I don't -- I apologize, but I don't remember their
3 names.

4 Q Do you recall being placed in the back of a patrol car
5 sometime in June of 2014?

6 A Are you talking about in front of Terry Wayne's house?

7 Q Well, the first time you met Mr. Gregory.

8 A Yeah.

9 Q Do you recall that?

10 A Yeah.

11 Q Okay. Do you recall being placed in the back of a
12 patrol car?

13 A (No audible response.)

14 Q They even tell you why they were doing that?

15 A Yeah, they wanted me to -- they been trying to track me
16 down --

17 Q Okay.

18 A -- to file a report.

19 Q A report about the incident that you were involved in?

20 A Because I didn't wanna file one because I didn't want
21 no problems. No more -- I didn't want no problems with the
22 police, sir, and nobody else harassing me or anything or
23 tryna hurt me.

24 Q You were agitated at the time, were you not?

25 A When?

1 Q Do you recall signing a refusal to prosecute form on
2 that day?

3 A Yes.

4 Q You recall telling Detective Gregory that you didn't
5 want anything to do with this?

6 A Yes, I did.

7 Q You just wanted to leave?

8 A I did.

9 Q You wanted him to leave you alone; correct?

10 A Yes.

11 Q Police department just to leave you alone?

12 A Yes.

13 Q You're gonna move out of town; correct?

14 A Yes.

15 Q Okay.

16 A I said that so they would leave me alone, or I thought.

17 Q All right. Ma'am, that's the second time. Now the
18 third time you had another -- you had a second contact with
19 Detective Gregory, did you not?

20 A Yeah, I think I was in the county jail then.

21 Q Back up before that, at some time Detective Gregory had
22 someone show you a photo line-up; do you recall that?

23 A That was the same day.

24 Q Okay. So you don't -- so you dispute that that was
25 June 24th and you were still out on the streets that day?

1 Q (By Mr. Gray) Ma'am, we'll come back to that.

2 In any event, do you recall doing a photo line-up?

3 A Yes.

4 Q Okay. And do you recall a Detective Higginbottom
5 talking to you?

6 A I recall the officer. I don't remember their names.

7 Q Was it someone other than Detective Gregory that
8 actually showed you photos?

9 A Yes, I think so, yes.

10 Q And do you recall being in the back of a police car
11 when that happened?

12 A Yes.

13 Q Okay. So now you're with me now; right?

14 A Yes.

15 Q Okay. Do you recall telling Officer Higginbottom or
16 Detective Higginbottom that the first picture you saw was
17 the person that assaulted you?

18 A I recall pointing at his -- I believe his picture and
19 another picture -- another one that looked just like him.
20 It was two. Then I was going back and forth but I know at
21 the end I end up picking the right picture.

22 Q Okay. But you weren't really sure on the photos that
23 they showed you; correct?

24 A No, because all of them kind of look similar.

25 Q Okay. Now on this date that we're talking about, you

1 also finally told Detective Gregory what happened, did you
2 not?

3 A No, not until I was in the county jail.

4 Q So you're denying that you told --

5 A I told him what happened, I just didn't wanna file a
6 report.

7 Q Okay. But you're -- So you told Detective Gregory the
8 City Rescue Mission story; correct?

9 A Right.

10 Q Let's take the City Rescue Mission story if you will.
11 What date do you think that -- talking about the City Rescue
12 Mission. You told Detective Gregory you were downtown?

13 A Yeah, I lied because I didn't want Chris -- I didn't
14 want Chris to find out, I didn't want to -- I didn't want
15 him to break up with me. I know it's -- I didn't want to
16 argue with him. I didn't want to break up.

17 Q And you told Detective Gregory that you were near the
18 City Rescue Mission; correct?

19 A Yes.

20 Q You told him that it was Officer Holtzclaw that picked
21 you up down there; correct?

22 A Well, yeah, it was that officer. Just the -- I lied
23 about the location, that's all.

24 Q Fair enough. You said that he drove you around
25 downtown and dropped you off in a back alley; correct?

1 A Yeah. Yes, sir.

2 Q And that was all a lie?

3 A Yeah. He drove me around. Just the location was --

4 Q Okay. Let me fast forward. And you're gonna meet
5 Detective Gregory again; correct?

6 A Yes, sir.

7 Q And this time you're in the county jail, that's what
8 you've been talking about; right?

9 A Yes, sir.

10 Q If I told you that was in July of 2014, would you have
11 any reason to dispute that?

12 A No.

13 Q And you were there on some city tickets; correct?

14 A Yeah, they actually was -- actually -- what she call
15 it? Trespassing.

16 Q And, ma'am, we don't have to get into all that. We'll
17 leave it at that.

18 A That's what I was in for, trespassing.

19 Q We'll leave it at that.

20 Now on this date you interview with Detective
21 Gregory, and then do you recall another detective being
22 there with him?

23 A Gayland somebody.

24 Q The man sitting at the table here?

25 A Yeah. Him.

1 Q He was here -- he was there at the jail?

2 A Yeah, he came to see me too.

3 Q Do you recall Lieutenant Muzny being present?

4 A Just them two. I don't remember. That's all I
5 remember.

6 Q And that's the date that we change our story to Liberty
7 Station; correct?

8 A That's the day I changed my location story, yes.

9 Q Now you tell detectives that it was May 20th or 21st;
10 correct?

11 A I know it was May something, that's all I know.

12 Q Those three or four days before your domestic incident;
13 right?

14 A Right.

15 Q You say you were leaving the Liberty Station
16 Apartments; correct?

17 A Correct.

18 Q Now does Officer Holtzclaw roll his window down to get
19 your attention?

20 A I believe the window was down, yes.

21 Q He calls you over; correct?

22 A Actually he pulls right beside me.

23 Q Okay. And then --

24 A As I'm walking.

25 Q Does he get out at that point?

1 and jurors present.)

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

5 You may call your next witness.

6 MS. McCONNELL: State calls Michelle Holland.

7 THE COURT: Step before me.

8 (Lieutenant Michelle Holland was sworn.)

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

13 THE WITNESS: Michelle Holland. M-I-C-H-E-L-L-E,
14 H-O-L-L-A-N-D.

15 THE COURT: All right. Thank you.

16 You may proceed.

17 MS. McCONNELL: Thank you.

18 LIEUTENANT MICHELLE HOLLAND,
19 was called as a witness, after having been first duly sworn,
20 and testified as follows:

21 DIRECT EXAMINATION

22 BY MS. McCONNELL:

23 Q How are you employed currently, ma'am?

24 A I'm a police lieutenant -- Oklahoma City police
25 lieutenant.

1 Q And so may I address you as Lieutenant Holland?

2 A Yes.

3 Q And, Lieutenant Holland, what is your current
4 assignment?

5 A I'm assigned to day shift at Springlake currently.

6 Q Was that your assignment back on May 24th of 2015?

7 A No, I was assigned to third shift at that time.

8 Q Okay. And are you a supervisor within Springlake?

9 A Yes, I am.

10 Q Okay. And there's been testimony that Officer
11 Holtzclaw was also assigned to Springlake Division, were you
12 his supervisor back in May of 2014?

13 A No, I was not.

14 Q Have you ever been his supervisor?

15 A I have not.

16 Q Back in May 24th of 2014, did you respond to a call at
17 Northeast 23rd and Kelley?

18 A Yes, I did.

19 Q Why did you respond to that location?

20 A One of the people that worked for me at the time,
21 Sergeant Williams, had received a call. And the female that
22 he made contact with said that an Oklahoma City officer
23 forced her to perform oral sex. So he called me.

24 Q And you were Officer Williams' supervisor back in May,
25 2014?

1 A Yes, I was.

2 Q Why were you called to the scene as a supervisor?

3 A Because on any kind of major incident they -- they
4 would call for a supervisor to make notifications and kind
5 of direct the -- the actions from that point forward.

6 Q And about what time did you get to the scene?

7 A About 3:30 in the morning.

8 Q And who was at the scene whenever you arrived?

9 A There was several officers. Sergeant Williams was
10 training at the time; so his recruit, Jonathan Thomas, was
11 there. Sergeant Shane Bullard was there. And I don't
12 recall if there was another officer there or not.

13 Q And this female that you've spoken of who's making this
14 report, was she at the scene as well?

15 A Yes, she was.

16 Q And is that Terri Morris?

17 A Yes, it is.

18 Q Was there also a male individual there with her?

19 A Yes.

20 Q Was that Christopher Shelton?

21 A Yes, it was.

22 Q Okay. And when you get there what is Terri Morris'
23 demeanor like?

24 A She was crying. She was very upset. She was twisting
25 around. She was pulling on her clothes. Anytime anybody

1 would talk to her she would -- she would just become very
2 upset.

3 Q How many years have you been with Oklahoma City Police
4 Department?

5 A Sixteen.

6 Q And during those 16 years have you had the occasion to
7 view people who are under the influence of drugs?

8 A Yes.

9 Q Based on that experience did it appear to you as if
10 Terri Morris was under the influence of drugs?

11 A She did appear to be under the influence of drugs. I
12 asked the officers at the scene about that and they had told
13 me that she had admitted that she was.

14 Q Did you take a statement or did you speak with Terri
15 Morris about this potential sexual assault by a police
16 officer?

17 A Yes, I did.

18 Q After you spoke with her what did you do?

19 A I called the on-call sex crimes supervisor to see if
20 they were going to send on-call detectives out. I talked to
21 that supervisor who did not -- it was not a call-out in his
22 opinion. And then I called the watch commander to advise
23 him what the allegations were.

24 Q Is calling the on-call sex crimes supervisor and the
25 watch commander something that you would do just in any

1 case?

2 A In any case where an officer is accused of something
3 like this, yes.

4 Q Okay. And you said that a sex crimes detective didn't
5 respond to the scene that night?

6 A No.

7 Q After you made those phone calls did you have any
8 further contact with Terri Morris?

9 A Yes, a couple hours later at about 5:30 -- I think it
10 was about 5:30 we received a call to the 36th and Prospect
11 area, the Sooner Haven Apartments. I didn't know at the
12 time -- before I responded I didn't know that it was Terri.
13 The call was a female was knocking on a door trying to get
14 into an apartment. And when I arrived it was Terri trying
15 to get into that apartment.

16 Q And when you made contact with Terri Morris that time
17 did you talk with her about the sexual assault?

18 A Not anymore.

19 Q What happened when you made contact with her that time?

20 A Just talked to her about where she was gonna go, who
21 she was gonna stay with. Told her she needed to find
22 someplace to go. And she found an apartment there in the
23 complex.

24 Q Even though an on-call sex crimes detective didn't
25 respond to 23rd and Kelley that night did you still make a

1 report about your contact with Terri Morris?

2 A Yes, I did.

3 Q And would that report be sent to sex crimes for an
4 assignment of the case at that point?

5 A The original report would've been sent for an
6 assignment and then they would get all the supplemental
7 reports.

8 MS. McCONNELL: Okay. May I have a moment, your
9 Honor?

10 (Counsel for the State confer.)

11 MS. McCONNELL: I'll pass the witness, your Honor.

12 THE COURT: All right. Any cross-examination?

13 CROSS-EXAMINATION

14 BY MR. ADAMS:

15 Q Lieutenant Holland, the first time you came in contact
16 with Ms. Morris would've been on April the 24th of 2014, at
17 about 3:00 in the morning; is that correct? About 3:30 a.m.

18 A It was May 24th at about 3:30.

19 Q I apologize. May the 24th of 2014 at approximately
20 3:30 a.m.

21 A Yes.

22 Q And at that point in time is it your understanding that
23 she was involved in a domestic dispute? Do you know
24 anything about that?

25 A I don't know anything about that.

1 Q In any event, whenever you arrived there she was making
2 allegations that she had been assaulted by a member of the
3 Oklahoma City Police Department; correct?

4 A Yes.

5 Q And she told you that --

6 A Yes.

7 Q -- personally.

8 And she told you it was about three or four days
9 prior to the 24th; correct?

10 A Yes.

11 Q And you even put in your report that that would make it
12 May the 20th or the 21st of 2014; correct?

13 A That is correct.

14 Q And then after you did that you took down her
15 information and then you made the -- the referral to the sex
16 crimes on-call detective; correct, Lieutenant Ramos?

17 A Yes.

18 Q And he declined to do any further investigation for
19 whatever reason; correct?

20 A He declined to respond to the scene that evening.

21 Q And Ms. -- Ms. Morris was allowed to leave or go.

22 A That is correct.

23 Q And approximately two hours later there was another
24 phone call that came in from some apartment complexes;
25 correct?

1 A Correct.

2 Q And the name of the apartment complex?

3 A Is Sooner Haven.

4 Q Sooner Haven?

5 And she was attempting to gain entry into an
6 apartment that was not hers; correct?

7 A Right.

8 Q And she was banging on the door.

9 A Yes.

10 Q And the police were called.

11 A Right.

12 Q And when they arrived the same male individual who was
13 with her previously whenever you first talked to her about
14 the assault was at that apartment complex; correct?

15 A His car was there. I don't remember if I saw him or
16 not.

17 Q She was banging on a female's door trying to gain
18 entry; correct?

19 A Right.

20 Q It is your understanding that he was inside that
21 apartment.

22 A Yes.

23 Q Okay. And eventually someone from some other apartment
24 there in that complex told her she could spend the night
25 there; correct?

1 A Right.

2 Q But at all times she maintained that this assault that
3 had occurred on her that she was talking about and upset
4 about had occurred what she told you was either the 20th or
5 the 21st of May of 2014; correct?

6 A Yes.

7 MR. ADAMS: Pass the witness, your Honor.

8 THE COURT: All right. Any redirect?

9 MS. McCONNELL: No, your Honor.

10 THE COURT: All right. Thank you, Lieutenant.

11 You can step down.

12 Call your next witness.

13 MS. McCONNELL: State calls Detective Gregory.

14 THE COURT: Detective Gregory, let me remind you
15 you're still under oath.

16 THE WITNESS: Yes, sir.

17 THE COURT: You may proceed.

18 MS. McCONNELL: Thank you, your Honor.

19 DETECTIVE ROCKY GREGORY,

20 was called as a witness, after having been previously duly
21 sworn, and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. McCONNELL:

24 Q Detective Gregory, were you assigned to investigate the
25 case involving Terri Morris?

1 A Yes, I was.

2 Q And I know that the jury has heard testimony from you
3 and Detective Davis about finding victims off a list. Is
4 that how you found Terri Morris?

5 A No. Terri Morris was actually the very first person to
6 alert the police department that anything involving Officer
7 Holtzclaw.

8 Q Okay. Even before Jannie Ligons who we heard from
9 testify earlier in this case?

10 A That's correct.

11 Q How did you get assigned Terri Morris' case?

12 A It was on May 27th, came into work on a Monday. I was
13 informed that just a few days prior on the 24th Ms. Morris
14 had -- was involved in a domestic and officers arrived at
15 the scene. And she reported that a police officer had
16 sexually assaulted her a few days prior.

17 Q And were those reports from the incident that
18 Lieutenant Holland just testified to on May 24th, 2014?

19 A That's correct.

20 Q And did you receive the reports that were generated
21 from that contact with Terri Morris on that day?

22 A Yes, I did.

23 Q At that point did you attempt to make contact with
24 Terri Morris?

25 A Yes, that day. On the 27th I tried every which way to

1 try to contact her. Officers didn't get any good
2 information far as where she was staying or any good phone
3 numbers. It took quite a while for me to locate her.

4 Q Was the first time that you were able to make contact
5 with Terri Morris on June 3rd, 2014?

6 A That's correct, it was.

7 Q How were you able to make contact with her on that day?

8 A Terri was so difficult to find. I mean, I checked
9 missions, family members, phone numbers, everything the
10 police had involved. I tried to involve our gang unit, our
11 vice unit, our criminal intelligence unit. We just come up
12 short. Any time that an officer is accused of sexual
13 assault we definitely need to follow through with it. So
14 that was the persistence of me trying to find her. We then
15 hired -- we had an informant on the northeast side that kind
16 of was -- helped us out on occasion to -- basically being an
17 informant for whatever's kind of going on in kind of the
18 underworld. I knew that Terri had been probably bouncing
19 from house to house, a crack house or whatever and she was
20 just being difficult to find.

21 On the 3rd of June the informant notified the
22 police department where she was and officers came in contact
23 with her and detained her till I was able to get over there
24 just a few minutes later.

25 Q So you met with her, not at the police department on

1 June 3rd, 2014?

2 A That's correct.

3 Q When you made contact with Terri Morris on June 3rd,
4 2014, what's her demeanor like on that time period?

5 A Well, I'd already been advised by the officers she was
6 rip-roaring ready to get out of the car. And when I spoke
7 with her she wanted nothing to do with police or anything
8 like that. And I was trying to let her know why I was
9 there. You know, I wasn't there to arrest her or hassle
10 her. I was trying to inform her, you know, I had received a
11 report that she had been sexually assaulted and I wanted to
12 take time to discuss that matter with her.

13 Q Did she discuss any of the details about what had
14 happened whenever she was stopped at Liberty Station
15 Apartments with you on that particular day?

16 A No, after kind of talking to Terri she calmed down a
17 little bit, you know, after she kind of realized I wasn't a
18 bad guy. And then she said she wanted nothing to do with
19 it. I asked her to come downtown to police headquarters.
20 She agreed to come. Usually whenever a victim doesn't want
21 to prosecute we have them fill out a refusal to prosecute
22 form. It's kind of for my protection and theirs showing
23 that this is their wishes. So I didn't have one on me. I
24 told her I had one downtown. So she agreed to come down
25 there and -- but once down there, just as soon as I even

1 approached anything in reference to this case she just --
2 she wanted nothing to do with it.

3 Q So any time you tried to ask her any questions about
4 what had happened with the officer, that's when she -- what
5 would she do?

6 A Right, she -- Terri was basically -- she was on a crack
7 high then. She was very difficult dealing with her. She
8 paced. She was walking around. She wasn't belligerent with
9 me. She was at least cordial enough, but she was crying.
10 She was upset. She kept saying she was scared in reference
11 to what happened. And I -- so I tried to limit my questions
12 trying to figure out -- because the police reports I had I
13 had lots of questions on so I tried to narrow it down as far
14 as, like, where the location was. She spoke about this
15 mission to the officers. And I started hitting her up about
16 where the location was. And she just -- she would barely
17 answer. And then she said I don't want to do anything. You
18 know, I -- I even presented like a photo line-up to her
19 seeing if maybe she could point out, you know.

20 Q You attempted to do that?

21 A I attempted but she didn't want to look at it.

22 Q The form that you told the jury about, the refusal to
23 prosecute form, did Terri Morris sign one on that day?

24 A She did.

25 Q And then she left the police department, she was free

1 to go?

2 A Yes, that's correct.

3 Q Did you have another contact with her after this time?

4 A Yes.

5 Q Was that on June 24th, 2014?

6 A Yes, it was.

7 Q Even though she'd signed this refusal to prosecute
8 form, why would you contact her again?

9 A Well, I felt like that there was even kind of -- just
10 interviewing hundreds of victims throughout the years I felt
11 like there was a little something there. But I told Terri,
12 I'm never gonna push you into doing anything you don't want
13 to do. That's why I offered the refusal to prosecute.

14 Well, then we come across the second victim, Jannie Ligons.

15 Q And just to clarify, do you mean the second victim who
16 came forward?

17 A That's correct.

18 Q Not the second chronologically in when the events
19 happened?

20 A Right, second victim that came forward on the 18th.

21 And that one was Detective Davis' case. We compared and it
22 just -- a lot resembled the case of what limited information
23 that I have from Terri on the officer that assaulted her.

24 The descriptions were matching up extremely similar. And
25 also the actions taken that both victims had informed that

1 happened. So I felt like it was -- I didn't know if we had
2 a serial rapist or what was going on, so I felt like it was
3 in the best interest of public health that I go and talk to
4 Terri again.

5 Q Whenever you make contact with Terri Morris the second
6 time in June 24th, 2014, was it equally hard to find her as
7 it was the first time?

8 A Yes.

9 Q And did you use the same method generally?

10 A The exact same method.

11 Q Whenever you find her is she at the police department
12 on that second date?

13 A She is not. The informant advised the officers where
14 she was. She was walking around Northeast 21st and Kelley
15 area. They detained her. I went over there. I approached
16 her at that time.

17 Q Okay. And so you spoke with her out in the field?

18 A Yes, I did.

19 Q This time did Terri Morris cooperate more with you?

20 A Yes, just as soon as Terri saw me her first words out
21 of her mouth was: He did it again, didn't he? And I told
22 her -- I said: It's possible. And so I told her I really
23 want to talk with you and -- and try to get more
24 information. She -- she said she'd talk with me.

25 MR. ADAMS: Your Honor, I would object at this

1 time to anything she may have said as hearsay.

2 THE COURT: All right. Sustained.

3 Q (By Ms. McConnell) And unlike the first time that you
4 interviewed her on June 3rd when she wouldn't give you any
5 information as to what happened with this officer, did she
6 give you information on June 24th?

7 A Yes.

8 Q When she gave you the information were you able to show
9 her a line-up on that date?

10 A Yes.

11 Q And are you the one who shows the line-up?

12 A No, our policy of what we have for line-ups, anybody
13 just directly involved with the case is not allowed to show
14 the line-up.

15 Q Why?

16 A It's -- it's to not show prejudice. You bring in
17 somebody to -- instead of, you know, just kind of showing
18 pictures, like, hey, look at this one, this one right here.
19 Well, we don't want that. So we just -- I just kind of
20 grabbed another detective out of another unit and who didn't
21 have a clue about it and I'm, like, hey, would you show
22 this.

23 Q Are you present whenever this line-up is shown to Terri
24 Morris?

25 A I am not.

1 Q What is Terri's reaction whenever she's shown the
2 line-up?

3 A Well, I don't know, I wasn't there. I was --

4 Q Well, and let me ask a better question, Detective.
5 Were you there immediately before she was shown the line-up?

6 A Yes, I was.

7 Q And did you instruct her that this officer is gonna
8 show you a line-up?

9 A Yes, I did. I made introductions.

10 Q What was her reaction to that?

11 A I think she was hesitant in going through that. I
12 considered Terri kind of on a half crack high for the day.
13 So she would be cooperative and she wouldn't. I don't
14 really recall exactly what she said specifically in
15 reference to when I -- I made the introduction.

16 Q Sure. During this time when you meet with Terri Morris
17 on June 24th of '14, does she give you information about
18 having been picked up by this officer at City Rescue
19 Mission?

20 MR. ADAMS: Judge, just object to the form of the
21 question. It's leading.

22 THE COURT: All right. Rephrase your question.

23 Q (By Ms. McConnell) Did Terri Morris give you
24 information as to where she was stopped by this officer?

25 A Yes, on this second contact with me she did advise it

1 was maybe a couple blocks away from the City Rescue Mission.

2 Q Is that -- is that in downtown Oklahoma City?

3 A Yes, it is.

4 Q Whenever you spoke with Terri Morris on June 24th, did
5 you -- had you pulled the AVL for any contact between
6 Officer Holtzclaw and Terri Morris?

7 A Not at that time. The -- basically what we had done in
8 reference to Terri, I went back looking at who had, like,
9 ran her; the CIU and the Varuna that we talked about. There
10 was -- there was a stop on, like, April the 11th by another
11 officer and then May 8th was the last time she was stopped.
12 And that was Officer Holtzclaw. I had nothing around the
13 time that she was talking about around the 20th, 21st of
14 May.

15 Q Did you meet with Terri Morris yet a third time?

16 A Yes, I did.

17 Q And was that sometime during July, 2014?

18 A Yes, it was.

19 Q What was your purpose in meeting with her that time?

20 A Detective Davis and I knew we had some DNA of an
21 unknown female on the inside of Officer Holtzclaw's pants
22 and we had not found that -- that subject, that DNA.

23 Q At that point in time?

24 A At that point in time. So I knew I didn't get an
25 opportunity to ask Terri for her buccal swabs to compare it.

1 And so I had found that Terri was actually in jail at that
2 time. It was, like, July 10th. So I went over there to the
3 county jail just to ask her if I could have buccal swabs. I
4 wasn't going to interview her again. We'd already spoke. I
5 knew she didn't really want to press charges.

6 Q When you went to the jail to get the buccal swabs did
7 she give them to you voluntarily?

8 A Yes, she did.

9 Q And did you initiate trying to speak with her again
10 about what had happened with this officer on that time?

11 A No, I -- I did not.

12 Q Did she?

13 A She did.

14 Q How did she initiate that?

15 A Well, whenever I made contact with the county jail to
16 have her brought down so I could talk to her about -- just
17 about the buccal swabs, as soon as she saw me she's like:
18 Detective Gregory, there is something I want to talk with
19 you about.

20 MR. ADAMS: Judge, I would object to anything she
21 may have told him as hearsay.

22 THE COURT: All right. Sustained.

23 Q (By Ms. McConnell) Whenever she spoke with you this
24 time about the details of her encounter with this officer
25 did she give you different information than she had given

1 you the last time you spoke?

2 A Yes, she did.

3 Q How so?

4 A The location.

5 Q Okay. Before when she had told you City Rescue, did
6 she tell you another location about where this officer
7 stopped her?

8 MR. ADAMS: Object to the form, your Honor. It's
9 leading and it also calls for a hearsay response.

10 THE COURT: I'll sustain it as to leading at this
11 point.

12 Q (By Mr. Gieger) Did she give you information
13 inconsistent with the City Rescue information that she'd
14 given you before?

15 A Yes, she did.

16 MR. ADAMS: Same objection.

17 THE COURT: All right. Overruled.

18 Q (By Ms. McConnell) Whenever you found out the
19 information that she gave you regarding the -- was it about
20 the new location?

21 A Yes.

22 Q What did you do at that point with that information?

23 A She advised -- she advised of the new location. She
24 told me the direction that Officer Holtzclaw had went. We
25 kind of covered the story again. She said she could show

1 me. Lieutenant Muzny and I then checked her out of the
2 county jail and we took a drive up to the location and just
3 had her direct us where to go and she talked me through it.

4 Q And to be clear, Detective, when you say you checked
5 her out of jail, did you check her back in after you went to
6 that location?

7 A Yes. Yes, I did.

8 Q During this -- the third interview at the jail in July
9 with Terri Morris, was the subject of rehab brought up?

10 A She -- she brought up rehab, like -- yeah, she brought
11 up rehab pretty early in the conversation. I think we just
12 about sat down there and she brought it up.

13 Q And was she -- was she in jail for a misdemeanor charge
14 at that point in time?

15 A I believe so.

16 Q Did you offer her anything on her charges to get her to
17 speak with you on that date?

18 A No, and I -- I told her -- I told Terri, I was like:
19 I'm not -- I can check into rehab whether you testify or
20 not. I didn't know really what she was wanting at that
21 time. I said: I can definitely, you know, talk to people
22 about it. But I let her know that I had -- you know, wasn't
23 in charge of that at all. And she acted like she
24 understood.

25 Q Detective Gregory, did you hear Ms. Morris testify

1 today that it was you and Mr. Gieger who went to the county
2 jail to meet with her in July?

3 A Yes.

4 Q Was it in fact you and Mr. Gieger who went with her?

5 A No.

6 Q Went to meet her?

7 A No.

8 Q Who was it?

9 A It was Lieutenant Muzny.

10 Q And you told me that you received some different
11 information about location from Terri Morris on this date.
12 What did you do with that information?

13 A After she had advised me of the direction that she was
14 taken in Officer Holtzclaw's car. I checked her back into
15 the county jail. I went back to my office and then I made
16 contact with Joe Hill in reference to the AVL. And then I
17 compared at that time what Terri said, compared it with the
18 AVL on May 8th as she was claiming.

19 Q And the information that she gave you on this July,
20 2014 interview, did it seem to match the AVL information
21 that you received from Joe Hill?

22 A Yes.

23 Q Was it concerning to you in your investigation that
24 Ms. Morris had given you incorrect information back in June
25 about where she was picked up?

1 A Yes, she lied. And it's always concerning when
2 someone -- a victim or suspect or anybody just lies to you.

3 Q Was it concerning to you whenever you found that her
4 second story matched with the AVL?

5 A No, she explained herself to me, I felt like, why she
6 lied to keep it from her boyfriend. And at that time at
7 jail -- she'd been in jail for a few days and I was speaking
8 with kind of clean, no-crack Terri. And so I felt like she
9 had a clear mind and -- and things checked out.

10 Q You told me, Detective Gregory, that you had had the
11 opportunity to pull Varuna and CIU records from the time
12 period for Terri Morris?

13 A Yes.

14 MS. McCONNELL: May I approach the witness, your
15 Honor?

16 THE COURT: May approach.

17 Q (By Ms. McConnell) I'm handing you, Detective Gregory,
18 what's marked as State's Exhibit 310 and 313. Are those the
19 Varuna and CIU records that you pulled?

20 A Yes, it is.

21 MS. McCONNELL: Your Honor, the State would move
22 to admit State's Exhibit 310 and 313.

23 MR. ADAMS: Your Honor, we object. At this time
24 I'd ask to approach.

25 THE COURT: All right.

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

4 MR. ADAMS: Your Honor, Ms. Morris was very
5 specific in her direct examination and cross-examination
6 that she said that the alleged assault had taken place on
7 about three or four days prior to the domestic, which
8 would've made it 5/20 or 5/21. The records that they're
9 trying to introduce are from 5/8 and I object to it because
10 that's not what the witness testified to. They're just
11 manufacturing a date and I object to it. We were very
12 specific about that date.

13 MS. McCONNELL: Your Honor, she was also very
14 clear that she didn't really know what date it happened on,
15 in fact she testified pretty much that she didn't know any
16 date that was ever given to her. And as an offer of proof
17 in addition, these documents that I'm seeking to admit now
18 which are CIU and Varuna records are just showing that
19 Officer Holtzclaw ran Terri Morris in CIU and in Varuna on
20 May 8th, 2014. The State will also seek to offer further
21 documents that are AVL records showing that Officer
22 Holtzclaw was in the area exactly where Terri Morris said
23 going from 26th and Lindsay to 24th and Lindsay to 33rd and
24 Hill to 26th and Kelley on May 8th.

25 THE COURT: Are these records part of what was

1 stipulated to?

2 MR. ADAMS: For their authenticity, not for their
3 admissibility. Just that they're authentic but they're not
4 -- I never stipulated to their admissibility or we never
5 would be sitting up here having these conferences. It's
6 very important to note that every time Ms. Morris testified
7 she said it was within three or four days of the domestic.
8 Then, again, the responding officer to the -- the lieutenant
9 who showed up, I asked her again, was it was three or four
10 days, the 20th or 21st, and she said yes. So these records
11 have not been properly -- they're not proper at this time.
12 They're irrelevant and I object to them confusing to the
13 jury.

14 MS. McCONNELL: And, Judge, any -- any discrepancy
15 between the date that Ms. Morris gave and these records
16 would go to the weight, not the admissibility. It's
17 certainly fodder for cross-examination but it doesn't make
18 them irrelevant.

19 THE COURT: So basically the -- the objection then
20 is based on relevancy because?

21 MR. ADAMS: Well, it's not only on relevancy, it's
22 also in violation, your Honor. I don't dispute that these
23 are accurate records. I just dispute that there's been any
24 testimony whatsoever that anything happened after the 20th
25 of May of 2014. We agree that if these were records from

1 the 20th or 21st that they would be admissible. But she
2 never testified anything happened back all the way -- all
3 the way up to May. I think it's also important at this time
4 to note that the other officer that they say had contact
5 with Ms. Morris the previous month --

6 THE COURT: April?

7 MR. ADAMS: I'm sorry?

8 THE COURT: April?

9 MR. ADAMS: In April, your Honor, that it
10 hadn't -- contact with him had actually been charged in
11 Oklahoma -- had administrative hearing for having sex with a
12 prostitute on duty. And that actually occurred. He was
13 actually fired. He appealed it through the arbitration
14 board and he's back on duty today. But at the time that all
15 this happened, I think it's important to note, that I've not
16 received any AVL information from the officer who admitted
17 he was with a prostitute and paid one while he was on duty.
18 And he came into the contact with this exact same lady in a
19 short period of time too. So I don't know why they can pick
20 Holtzclaw and not pick him too. So I object.

21 MS. McCONNELL: And once again, Judge, I think
22 that that's a proper subject for cross-examination.
23 However, counsel's been on notice since the filing of this
24 Information many, many months ago that the date that the
25 State is alleging that this crime happened on was May 8th,

1 2014. In addition, this officer has testified that on May
2 8th, 2014, Officer Holtzclaw ran her in the Varuna and CIU
3 systems which is the closest in time to the date that the
4 victim has said she thought it might have happened.
5 Although, in addition to the fact that she testified today
6 that she thinks it might have been three or four days prior
7 to that domestic, she's also been clear several times that
8 "I don't know, I just know it happened sometime in May,
9 2014." And all the arguments that counsel's made, once
10 again, go to the weight of the evidence, not the
11 admissibility.

12 MR. ADAMS: I disagree, your Honor. To be
13 admissible they have -- admissible has to be evidence that a
14 crime was committed on that day. There is zero evidence
15 that a crime was committed at that day. The very best
16 evidence we have is that from the 25th back to the 20th or
17 21st of May is all that the witness ever testified to and
18 all these other documents are just confusing to the jury and
19 I object to it.

20 THE COURT: Well, she clearly testified that she
21 wasn't sure about the dates. And she clearly testified it
22 was about three days before she had the domestic situation.
23 I'm going to overrule your objection because we've got the
24 -- one, a stipulation that the documents are what they are.
25 I think that under a relevancy issue that these documents

1 may have a tendency to prove a matter that's in dispute of
2 this issue. And I know the charging document, the
3 Information, which I recognize is not evidence but it does
4 put the defendant on notice that it was the May 8th, I
5 believe, situation.

6 (The following continued within the
7 hearing of the jury.)

8 THE COURT: All right. State's Exhibit Number 310
9 and 313 will be admitted.

10 MS. McCONNELL: May I publish, your Honor?

11 THE COURT: You may.

12 Q (By Ms. McConnell) Detective, I'm showing you what's
13 marked as State's Exhibit 310. Is this the CIU sheet?

14 A Yes, it is.

15 Q And specifically do we see Officer Holtzclaw,
16 2Charlie45, ran Terri Morris?

17 A Yes.

18 Q And the CIU sheet is from May 8th, 2014?

19 A Yes, it is.

20 Q Sometime after 20:10 hours?

21 A Yes.

22 Q So 8:10 p.m.?

23 A Yes.

24 Q Okay. And looking at State's Exhibit 313, is this a
25 Varuna sheet?

1 A Yes, it is.

2 Q And do we see on this Varuna sheet that Officer
3 Holtzclaw is running Terri Morris?

4 A Yes.

5 Q Do we see three times when Officer Holtzclaw ran Terri
6 Morris?

7 A Yes, that's correct.

8 Q Was that concerning to you?

9 A Not necessarily on -- no.

10 Q Why?

11 A Well, on Varuna we don't have -- in the cars we don't
12 have different screens. So you do a traffic stop and say
13 you need Varuna up, so you plug in somebody's name, it'll
14 pop up. You get to doing something else, you need something
15 else maybe off the Internet, look at different records, you
16 close it out. Then you need Varuna back up, so you enter
17 the name and it pops up again. It's pretty regular.

18 Q And this entry that we see for Sherry Ellis, that's
19 also showing Officer Holtzclaw running Sherry Ellis.

20 A Yes.

21 Q And is that the same entry that Detective Davis
22 testified to earlier about May 8th?

23 A That's correct?

24 Q And, Detective Gregory, to be clear, Detective Davis
25 had testified earlier that it was significant to her that

1 Detective Holtzclaw (sic) had ran Sherry Ellis May 7th and
2 also May 8th; do you recall that testimony?

3 A Yes.

4 Q Is it different that Officer Holtzclaw here ran Terri
5 Morris just within seconds?

6 A Well, it's a few hours later but --

7 Q Well, he ran Terri Morris three times from 20:46 to
8 20:53.

9 A Yes. I'm sorry, restate your question.

10 Q Okay. You just told me I think, Detective Gregory,
11 that an officer might pull up someone on Varuna and look at
12 their -- the reports or prior contact that they have made
13 with Oklahoma City Police Department and back out of the
14 program and need to come back to it again.

15 A Yes.

16 Q Is that different from detective -- from Officer
17 Holtzclaw, excuse me, running Sherry Ellis on May 7th and
18 also on May 8th?

19 A Yes, that is different.

20 Q Did you also pull the CAD calls from May 8th, 2014,
21 around the time period that we've just seen he was running
22 Terri Morris?

23 A Yes.

24 MS. McCONNELL: May I approach the witness, your
25 Honor?

1 THE COURT: You may.

2 Q (By Ms. McConnell) I'm handing you State's Exhibits
3 311 and 312. If you'll take a look at those and tell me if
4 you recognize them.

5 A Yes, I do.

6 Q Are those the CAD calls that you pulled for May 8th for
7 Officer Holtzclaw?

8 A That's correct.

9 MS. McCONNELL: Your Honor, the State moves to
10 admit State's Exhibits 311 and 312.

11 MR. ADAMS: Your Honor, same objection I had on
12 the previous exhibits.

13 THE COURT: All right. Overruled, State's Exhibit
14 311 and 312 will be admitted.

15 MS. McCONNELL: Thank you, your Honor.

16 Q (By Ms. McConnell) Showing you, Detective Gregory,
17 State's Exhibit 311. Is that a CAD call from May 8th, 2014?

18 A Yes.

19 Q And the 20:31, would that be 8:31 in the evening?

20 A Yes.

21 Q And specifically what location is Officer Holtzclaw
22 putting himself out at?

23 A Liberty Station.

24 Q In your investigation were you able to determine
25 whether Officer Holtzclaw was at Liberty Station and with

1 another subject besides Terri Morris?

2 A Yes.

3 Q Was that Cody Nichols?

4 A Yes.

5 Q Okay. And so we've seen on three -- Exhibit 310, him
6 also running Cody Nichols on CIU?

7 A Yes.

8 Q And we see on State's Exhibit 313 him also running Cody
9 Nichols on Varuna.

10 A Yes.

11 Q What was your point in getting the CAD call for the
12 call-out for Cody Nichols?

13 A Officer Holtzclaw shows himself out on traffic stop at
14 8:31 in Liberty Station. And then there's a new CAD call,
15 like, back to back at the same -- same location. So I
16 wanted both calls. One was in reference I believe the
17 traffic stop involving Cody Nichols, going out on that
18 subject and then with Terri shortly thereafter at 20:46. It
19 was just back-to-back stops.

20 Q Okay. So we saw that that CAD call started around
21 8:31. What time was it closed out, Detective Gregory?

22 A 20:46.

23 Q Okay. Showing you State's Exhibit 312, is this another
24 CAD call for Officer Holtzclaw?

25 A It is another CAD call, yes.

1 Q And is that just seconds after we saw the last CAD call
2 closed out?

3 A Yes.

4 Q And what location was Officer Holtzclaw putting him out
5 on this CAD call?

6 A Now it's at 24th and Lindsay.

7 Q The first CAD call being at Liberty Station and the
8 second CAD call being at 24th and Lindsay, was that
9 significant to you in your investigation?

10 A Yes, it's in reference to where Terri said she was
11 taken.

12 Q And within State's Exhibit 312, was there any
13 information that Officer Holtzclaw had -- was going to
14 transport the subject that he came into contact with at 24th
15 and Lindsay?

16 A No.

17 Q Is that a 10-14? Is that the ten code for transport?

18 A That's correct.

19 Q Was that significant to you in your investigation?

20 A Yes, any time that you transport a member of the
21 opposite sex you have to go 10-14, let dispatchers know, as
22 has been testified by Detective Davis. In this case that
23 happened.

24 Q Whenever you told me earlier, Detective Gregory, that
25 you had gone out to the scene with Terri Morris after you

1 had checked her out of jail in July, 2014; do you remember
2 telling me that?

3 A Yes.

4 Q What area specifically did you go to on that date?

5 A Well, we went to -- we went to Liberty Station. We
6 just kind of -- so I could kind of have a reference to how
7 things began. And then she noted where she was picked up at
8 right outside the -- on Lindsay right to the west of Liberty
9 Station Apartments. And then I just had her direct me where
10 she was taken -- she thought she was taken. And she took me
11 around the corner to about 725 Northeast 24th. There's an
12 empty lot there. It's over by the history museum. And
13 that's where she -- she just directed me exactly -- was
14 like, well, stop here. This is where he stopped. And then
15 she -- she kind of ran through what took place there far as
16 the sexual assault. And then she directed me to the next
17 area down, how he exited 24th and Lindsay.

18 Q Were photographs taken of these areas that Terri Morris
19 showed you?

20 A Yes.

21 MS. McCONNELL: May I approach the witness?

22 THE COURT: May approach.

23 Q (By Ms. McConnell) I'm handing you, Detective, State's
24 Exhibits 300, 301, 302, 303 and 304. If you'll take a brief
25 look at those and tell me if you recognize them.

1 A Yes, these are photographs I took of the scene.

2 Q Of the places where Terri Morris described to you?

3 A That's correct.

4 MS. McCONNELL: Your Honor, the State moves to
5 admit State's Exhibits 300, 301, 302, 303 and 304.

6 MR. ADAMS: Your Honor, my -- may I approach?

7 THE COURT: Come on up.

8 (The following was had at the bench by
9 Court and counsel out of the hearing of
10 the jury.)

11 MR. ADAMS: Again, your Honor, my objection is
12 this: Is that Ms. Morris said that this happened neither
13 the 20th or the 21st. Again, these are photographs that
14 they're alleging that -- that an assault took place on the
15 8th and I object under those grounds.

16 THE COURT: Well, there hasn't been a proper
17 foundation laid yet as to the photographs.

18 MS. McCONNELL: From this witness, Judge?

19 And to be clear, Judge, the Court -- the State's
20 Exhibits that are previously admitted with Terri Morris --
21 and I'll establish that through this witness -- were taken
22 at the same time period. But I can lay more foundation.

23 THE COURT: Okay.

24 (The following continued within the
25 hearing of the jury.)

1 Q (By Ms. McConnell) Detective Gregory, I'm showing you
2 what's already been admitted as State's Exhibit 298. What
3 are we looking at there?

4 A You're looking east from Lindsay toward Liberty Station
5 Apartments.

6 Q Is that at 26th and Lindsay?

7 A Yes.

8 Q Okay. And is this the area that you indicated that
9 Terri Morris had told you she was first picked up by Officer
10 Holtzclaw?

11 MR. ADAMS: Judge, I'm going to object to the form
12 as leading. Also calls for hearsay response.

13 THE COURT: Sustained.

14 Q (By Ms. McConnell) Detective Gregory, what's the
15 significance of Liberty Station Apartments in your
16 investigation involving Terri Morris?

17 A It's where Officer Holtzclaw had stopped Terri Morris.

18 Q Showing you State's Exhibit 299, what do we see there?

19 A This is the location where she said that he stopped the
20 vehicle where he transported her around the 24th and
21 Lindsay -- about 725 Northeast 24th. The empty lot there,
22 that's facing north from the car there. And this is where
23 she said the sexual assault occurred.

24 Q And this apartment complex right here, Detective
25 Gregory, do you know the name of that complex?

1 A I believe it's Capital Crossing.

2 Q Okay. Showing you State's Exhibit 305, what do we see
3 there?

4 A This is actually the -- leaving from 24th and Lindsay
5 back north. She directed me to an open field area where she
6 said that she felt like Officer Holtzclaw was getting ready
7 to pull into. And this at Hill off of Phillips Street and
8 there's just this open -- it's almost like a park like, but
9 there's no --

10 Q And State's Exhibit 306, what are we looking at there?

11 A This is Urban League Court. This is where she said
12 that she was dropped in the area so she could walk over to
13 her -- Terry Wayne. She called him uncle. Terry Wayne's
14 house.

15 Q And did you hear Ms. Morris' testimony today that Terry
16 Wayne lives in Capital Crossing Apartments?

17 MR. ADAMS: Your Honor, object to the form as
18 leading.

19 THE COURT: All right. Overruled, you can answer
20 it.

21 THE WITNESS: Yes, she did say that.

22 Q (By Ms. McConnell) What we see here depicted in
23 State's Exhibit 306, is this Capital Crossing Apartment
24 complex?

25 A It's not the apartment complex, no.

1 Q I see on the street sign in State's Exhibit 306 that
2 the intersection is 26th and Urban League.

3 A Yes.

4 Q Did you hear Ms. Morris' testimony that -- where Terry
5 Wayne lived was at the intersection of 26th and Kelley?

6 MR. ADAMS: Your Honor, again, I would object as
7 to the form.

8 THE COURT: Overruled as to the form. You can
9 answer the question that's specifically stated.

10 THE WITNESS: Yes, I did.

11 Q (By Ms. McConnell) Is 26th and Urban League close or
12 far away or where is it in relation to 26th and Kelley?

13 A I believe Urban League is about a full block to the
14 west of Kelley.

15 Q Is it the next intersection after Kelley?

16 A Yes, I believe so.

17 Q And are -- the State's Exhibits that I've just shown
18 you, Detective Gregory, State's Exhibit 298, 299, 305 and
19 306, are those some of those pictures that you were telling
20 me that were taken based on your trip with Terri Morris?

21 A Yes.

22 Q And did you also acquire AVL records for May 8th, 2014?

23 A Yes, I did.

24 Q Why did you do that?

25 A To compare what Terri was saying. She was being pretty

1 specific as far as the route that was taken during the
2 traffic stop and after the stop while she was in Officer
3 Holtzclaw's car. So after I checked her back in the county
4 jail I checked AVL to compare her story.

5 Q And the AVL records that you received on May 8th, 2014,
6 did you give those for times matching the times that Terri
7 Morris was run on CIU and Varuna by Officer Holtzclaw?

8 A Yes.

9 MS. McCONNELL: May I approach the witness, your
10 Honor?

11 THE COURT: You may.

12 Q (By Ms. McConnell) Detective Gregory, I'm handing you
13 what's marked as State's Exhibits 308 and 309. If you'll
14 tell me if you recognize those.

15 A Yes, I do.

16 Q And how do you recognize those?

17 A This is the aerial view of the -- aerial view with the
18 time stamps for the AVL. And this is also another AVL
19 locater for the time in question on May 8th involving Terri
20 Morris' stop.

21 Q For the time that Terri Morris was ran in Varuna and
22 CIU by Officer Holtzclaw?

23 A Yes.

24 MS. McCONNELL: Your Honor, the State moves to
25 admit State's Exhibits 308 and 309.

1 MR. ADAMS: Your Honor, objection as I previously
2 stated.

3 THE COURT: Come on up.

4 (The following was had at the bench by
5 Court and counsel out of the hearing of
6 the jury.)

7 THE COURT: 309 is the AVL?

8 MS. McCONNELL: 308 and 309 are both AVL records.

9 THE COURT: Let me see them.

10 MS. McCONNELL: 308 is the speeds around the 24th
11 and Lindsay area.

12 THE COURT: Okay.

13 MS. McCONNELL: 309 represents the entire AVL
14 without speeds.

15 THE COURT: Do you have any idea when this photo
16 was taken or anything?

17 MS. McCONNELL: It's not a photo, Judge. It's an
18 AVL record. It's the records that go --

19 THE COURT: On top of a photo; right? Of an
20 aerial view.

21 MS. McCONNELL: Correct, just as we have AVL
22 records on all the other cases or all the other
23 investigations regarding the other victims.

24 THE COURT: Well, is this -- is this aerial
25 view -- does it depict what the area looked like on May 8th

1 or is this some other time or do we have any idea?

2 MS. McCONNELL: I can ask him, Judge.

3 (The following continued within the
4 hearing of the jury.)

5 Q (By Ms. McConnell) Have you been to the 24th and
6 Lindsay area, and all the areas that you visited with Terri
7 Morris, close in time to May, 2014?

8 Let me ask you a better question, Detective.

9 The AVL records that you pulled for Officer
10 Holtzclaw on May 8th, 2014, around the times that he ran
11 Terri Morris on CIU and Varuna, were there certain aerial
12 photographs that you acquired with respect to that AVL data?

13 A Yes.

14 Q During your time as an Oklahoma City police officer
15 have you had opportunities to be around the 24th and Lindsay
16 area, the 26th and Lindsay area, the 33rd and Phillips area
17 and the 26th and Kelley area that you've talked about today?

18 A Yes.

19 Q The aerial photographs that I just showed you in
20 State's Exhibit 308, is that similar to how you know it
21 appeared in May, 2014?

22 A That's correct.

23 MS. McCONNELL: Your Honor, the State would move
24 to admit State's Exhibit 308 and 309.

25 MR. ADAMS: Object, your Honor.

1 THE COURT: All right. State's Exhibit Number 308
2 and 309 will be admitted.

3 Q (By Ms. McConnell) Showing you, Detective Gregory,
4 State's Exhibit 308, are those the AVL records you were
5 telling me about just now?

6 A That's correct.

7 Q This street, what is that area (indicating)?

8 A It's Northeast 24th.

9 Q Okay. And to be clear, this area that's depicted right
10 here (indicating), what is that?

11 A That's Liberty Station Apartments.

12 Q And does the data show Officer Holtzclaw's vehicle
13 going north or south?

14 A It's showing it where he goes southbound from the
15 complex.

16 Q Okay. So it's going towards Northeast 24th?

17 A On Lindsay; that's correct.

18 Q Is this Lindsay Street right here (indicating)?

19 A Yes, it is.

20 Q This 24th Street area, is this area right here
21 (indicating) the Capital Crossing Apartment complex that you
22 testified to earlier?

23 A Yes, it is.

24 Q And specifically looking around that Capital Crossing
25 Apartment complex, does Officer Holtzclaw have zero speeds

1 around that apartment complex?

2 A Yes, he does.

3 Q Specifically do you see that he has a zero speed at --
4 I believe that's 8:51, kind of obscured by that dark tree
5 right there?

6 A Yes.

7 Q And he has a zero speed at 8:56?

8 A Yes.

9 Q And he has a zero speed at 9:01:24 p.m.?

10 A That's correct.

11 Q Is that our last data point is that 9:01 p.m. data
12 point?

13 A That's correct on this.

14 Q During your investigation did you receive information
15 as to what time Officer Holtzclaw's car started moving
16 again?

17 A I believe it's 21:01 hours.

18 Q So a little bit after the zero speed at 9:01:24?

19 A Yes.

20 Q So we have zero speeds from 8:51 through 9:01 at this
21 location.

22 A Yes.

23 Q Was that significant to you in your investigation?

24 A Yes.

25 Q Why?

1 A Because that's where Terri said that the assault took
2 place at that location.

3 Q And I'm showing you State's Exhibit 309. What are we
4 looking at there, Detective?

5 A It's the AVL again, that aerial view.

6 Q And is this one showing a wider area than is depicted
7 in State's Exhibit 308?

8 A Yes.

9 Q Is this the 26th and Lindsay area for Liberty Station
10 Apartments that I have my pen at?

11 A Yes.

12 Q And is this 24th and Lindsay?

13 A Yes.

14 Q The 33rd and Hill -- well, did you hear Terri Morris
15 testify today that Officer Holtzclaw had kind of turned his
16 wheel somewhere around the 33rd and Hill or 32nd and Hill
17 area?

18 A Yes.

19 Q Based on this AVL record were you able to corroborate
20 that or not corroborate that?

21 A Partially, there was a time lapse of about a minute
22 there. I didn't get a zero speed, but there -- there is a
23 time, yes, he slowed down.

24 Q And the 33rd and Hill area, would that be this area
25 where I'm pointing my pen at?

1 A Yes.

2 Q Was that significant to you in your investigation?

3 A Yes.

4 Q Why?

5 A It, again, corroborated Terri's story. She'd only know
6 that he did that just being in the car.

7 Q And then did you also hear Ms. Morris testify today
8 that Officer Holtzclaw dropped her off at Terry Wayne's
9 house around the 26th and Kelley area?

10 A Yes.

11 Q And were you able to corroborate that based on Officer
12 Holtzclaw's AVL data?

13 A On that one, no, I did not come across any zero speeds
14 around close to that location.

15 Q So you couldn't see him stopping his car at 26th and
16 Kelley?

17 A Right.

18 Q Did you see him, however, drive past the 26th and
19 Kelley area?

20 A Yes, he drives right past.

21 Q Is that in this area (indicating)?

22 A Yes, a block away from Urban League.

23 Q Based on your investigation what is the only way Terri
24 Morris would've known about the path of Officer Holtzclaw's
25 vehicle?

1 A Being in that car.

2 Q And even though you weren't able to locate a zero speed
3 for 26th and Kelley was it significant to you that his car
4 passed through that area?

5 A Yes.

6 Q Why?

7 A Because, again, she wouldn't have known that he went --
8 did a big loop, zig-zagged back to Phillips, back east to
9 Kelley and south.

10 Q And did you also pull Officer Holtzclaw's line-up and
11 activity report for May 8th, 2014?

12 A Yes.

13 Q And were you present in the courtroom, Detective
14 Gregory for when Terri Morris said that she thought that
15 while she didn't know the exact date the assault could've
16 potentially occurred three to four days before that May 24th
17 date?

18 A Yes.

19 Q Which would make her timing of the assault being, give
20 or take, May 21st, 2014?

21 A That's correct.

22 Q Was it concerning to you in your investigation that
23 Terri Morris thought that the date of the assault was May
24 21st, 2014?

25 A It was in the beginning. She was claiming that from

1 the first time she spoke with officers. Made it very
2 difficult in trying to sort this out. Then once I met Terri
3 and realized she had a crack problem, how she was acting, it
4 wasn't a big shock that she was off on times.

5 Q I know you answered this for me before, Detective, but
6 I think you said you had been on police force for about 16
7 years, give or take; is that right?

8 A Yes.

9 Q During that 16 years on the police force have you
10 encountered people with drug addictions or who have been
11 under the influence of drugs and intoxicating substances?

12 A Yes.

13 Q How many times?

14 A Countless.

15 Q Hundreds?

16 A Yes.

17 Q Based on your experience with such people, does that
18 affect their ability to remember dates and times?

19 A Yes.

20 Q Does it make it easier or harder?

21 A It's harder.

22 Q On that same line, Detective Gregory, whenever you
23 pulled the AVL and were able to see that Officer Holtzclaw
24 was traveling along the same path that Terri Morris was
25 telling you about, was that significant to you even in light

1 of that date discrepancy?

2 A Yes.

3 Q How so?

4 A Well, it showed me she was telling the truth about
5 this. Here again she wouldn't have known unless she was in
6 the car with him to take that exact route.

7 Q And you did tell me that you pulled line-up and
8 activity reports from May 8th for Officer Holtzclaw?

9 A Yes.

10 MS. McCONNELL: May I approach the witness?

11 THE COURT: You may.

12 Q (By Ms. McConnell) I'm showing you State's Exhibits
13 314 and 315. If you'll take a look at those and tell me if
14 you recognize them.

15 A Yes, I do.

16 Q How do you recognize them?

17 A Yes, these are records that I pulled, his activ- --
18 Officer Holtzclaw's activity sheet for May 8th and then also
19 the line-up for May 8th as well.

20 MS. McCONNELL: Your Honor, the State moves to
21 admit State's Exhibits 314 and 315.

22 MR. ADAMS: Your Honor, same objection I had on
23 the other exhibits.

24 THE COURT: All right. State's Exhibit 314 and
25 315 be admitted.

1 Q (By Ms. McConnell) Is this -- State's Exhibit 314, is
2 this a line-up sheet?

3 A Yes, it is.

4 Q And you testified earlier that it's for specifically
5 May 8th?

6 A Yes, I did.

7 Q And does it show Officer Holtzclaw was on duty on that
8 night?

9 A That's correct.

10 Q I'm also showing you State's Exhibit 15 (sic), is that
11 his activity report for May 8th, 2014?

12 A Yes.

13 Q Did officer Holtzclaw put himself out at the 24th and
14 Lindsay area with Terri Morris?

15 A He put himself out at Liberty Station, out on a
16 subject. And that was the -- that was the total amount of
17 time between the first stop, Cody Nichols and then with
18 Terri. He just took the one entry for Liberty Station.

19 Q So he took one entry even though we know that he came
20 into contact with at least two people?

21 A Yes.

22 Q Was that significant to you in your investigation?

23 A Yes, usually an officer would take two credits -- it's
24 two different stops -- in the contact made and divide up the
25 time. So it'd been 20:30 to 20:45 on one stop, take credit

1 for that. And then 20:45 to 21:00 on Terri's stop, take
2 credit for that.

3 Q Why was that significant to you that he did not do
4 that?

5 A Well, it just -- it didn't really make sense as far as
6 just the activity. I mean, I don't want to necessarily say
7 it was just covering up but he's covering up.

8 Q The photographs that you previously testified that you
9 took whenever you went on this ride with Terri Morris, were
10 they locations that were depicted on the AVL data that you
11 have testified to on May 8th, 2014?

12 A Yes.

13 Q And they're locations that were consistent with what
14 Terri Morris told you on May 8th, 2014?

15 A Yes.

16 MS. McCONNELL: Your Honor, State would move to
17 admit State's Exhibit 300, 301, 302, and 304.

18 MR. ADAMS: Object, your Honor; no foundation and
19 also relevance.

20 THE COURT: Sustained.

21 Q (By Ms. McConnell) Do State's Exhibits 300, 301, 302,
22 303, 304, the pictures that I showed you earlier -- and let
23 me know if you need to see them again -- do they accurately
24 reflect the area as it looked whenever you took them in July
25 of 2014?

1 A Yes, I did.

2 Q And were there any field interview cards?

3 A None that were found, no.

4 Q In the area that we've talked about, Detective Gregory,
5 specifically 24th and Lindsay, is that in Oklahoma City?

6 A Yes, it is.

7 Q Is it in Oklahoma County?

8 A Yes.

9 Q During your investigation did you find any other
10 officers with Oklahoma City Police Department who had ran
11 Terri Morris on Varuna during the time period that you were
12 looking at?

13 A The last two that I found, there was an officer April
14 11th of 2014 that ran her, an Officer Sellers. And that was
15 the only other one even close to the time period --

16 Q Okay.

17 A -- in question.

18 Q That was on April 11th, 2014?

19 A Yes.

20 Q And did you do any looking into the location that
21 Officer Sellers was at whenever he ran Terri Morris?

22 A Yes, I believe it was -- it wasn't in the area that she
23 was speaking of at all.

24 Q Was it at 2200 Northeast 24th Street?

25 A That's correct.

1 Q And where is that in relation to Liberty Station
2 Apartments and Capitol Crossing Apartments that we've heard
3 testimony about?

4 A Liberty Station is like in the 700 block you could say
5 of Northeast 26th. So we're talking over a mile away.

6 Q Okay. Is Northeast 24th Street around the area of
7 Northeast 24th and Highland?

8 A Yes.

9 Q Okay. And how many miles approximately is that between
10 Lindsay and Highland?

11 A I'm just kind of guessing, about a mile.

12 Q More than one?

13 A Yes.

14 Q And through your experience as an Oklahoma City police
15 officer do you know Officer Jeff Sellers?

16 A Yes, a little bit.

17 Q Based on your interview with Terri Morris did he fit or
18 not fit the general description that Terri Morris gave to
19 you of the officer?

20 A No, he did not.

21 Q How not?

22 A His hair was different, he wasn't muscular, complexion
23 was different. Just the features that she was presenting
24 me, especially on our third contact, it didn't match.

25 Q Was that significant to you?

1 Q And she -- and she said it happened down here, downtown
2 close to the courthouse, down here at the City Rescue
3 Mission; correct?

4 A Yes.

5 Q And she maintained that to the point that even a sex
6 crimes supervisor was notified on that day and he refused to
7 take any action; correct?

8 A That's correct.

9 Q Then on the next Monday morning you came into the
10 office saying that the case was assigned to you?

11 A Yes.

12 Q So the very first contact you ever had with Ms. Morris
13 was at 6th -- was on June the 3rd of 2014; correct?

14 A That's correct.

15 Q And then that interview, you sit down with Ms. Morris
16 and you tried to get her comfortable with you; correct?

17 A Yes, sir.

18 Q And she -- do you believe she's under the influence of
19 narcotics at that time?

20 A Yes, I do.

21 Q And needless to say she was not cooperative with you
22 and she wouldn't tell you anything; correct?

23 A That's correct.

24 Q Other than she kept telling you that the assault of an
25 Oklahoma City police officer was happened again downtown at

1 the city -- around the City Rescue Mission; correct?

2 A Correct.

3 Q And -- and you left it at that; correct?

4 A Yeah.

5 Q Made a report?

6 A Yes.

7 Q And the next contact -- and you heard nothing more back
8 from Ms. Morris after that until your next contact with her
9 on June the 24th, 2014; correct?

10 A That's correct.

11 Q Now on June the 24th of 2014, this would've been right
12 after Jannie Ligons; correct?

13 A Yes.

14 Q Okay. Now at that point in time you had a photo
15 line-up prepared. And you testified earlier about how you
16 had another officer actually attempt to show her that photo
17 line-up; correct?

18 A Yes.

19 Q Because previously when you had met with her on your
20 first interview you attempted to show her a photo line-up
21 and she wouldn't even look at it.

22 A That's correct.

23 Q So on the second occasion when you were there you
24 brought a third-party officer in who supposedly knew nothing
25 about any of the suspects or individuals and had her try to

1 identify him; correct?

2 A Yes.

3 Q And at that point in time she picked out two
4 individuals, one being an officer by the name of Dutton;
5 correct?

6 A Yes.

7 Q And -- but although she said she wasn't sure on either
8 one, that's kind of where she was; right?

9 A That's correct.

10 Q Was not definitive in any way; correct? Was not what
11 we would consider to be a positive ID of anyone?

12 A That's correct.

13 Q Okay. Then your next contact with Ms. Ligons (sic) was
14 7/10 of 2014 at the Oklahoma -- been actually your third
15 contact but it was 7/10/2014 here at the Oklahoma County
16 Jail.

17 A Yes.

18 Q And when you first -- and when you met with her you
19 went down there with the intention of getting this buccal
20 swab from her; correct?

21 A Yes.

22 Q And that's where we -- we heard all about it where you
23 swab the inside of their mouth and maintain the swab and
24 it's eventually tested for DNA; correct?

25 A Yes.

1 Q And you recorded that conversation; correct?

2 A When I first met her I didn't. I just had introduced
3 myself and -- sorry. When I approached her we had a small
4 conversation. Then she told me she wanted to talk with me.
5 And that's when we went over and, yes, it was at that point
6 when we sat down I did record.

7 Q Okay. But you had not received any information from
8 any third parties at that point in time as of 7/10 of 2014
9 that Ms. Morris was actually really wanting to talk to you,
10 had you?

11 A That's correct.

12 Q You're agreeing with me in that regard?

13 A Yes.

14 Q Okay. So then what happens is -- is that actually the
15 recording device doesn't start until you're already into the
16 interview; correct?

17 A Yes.

18 Q I mean, I believe that the recording device starts with
19 Ms. Morris saying: 2014 and he gave me my crack pipe back.
20 That's how the whole interview that we have that has been
21 recorded starts; correct?

22 A That -- that sounds right.

23 Q Okay. So she clearly is already into some conversation
24 with you of some kind. Do you know how long the
25 conversation was with Ms. Morris that we do not hear on 7/10

1 drove -- whenever you checked her out from jail and drove
2 around to get an idea of Officer Holtzclaw's route?

3 A Yes, we did go over there to Urban League Court, yes.

4 Q You've already testified based on State's Exhibit 307
5 that -- well, in looking at State's Exhibit 307 is this the
6 26th and Kelley area right here (indicating)?

7 A Yes, it is.

8 Q Before talking to Terri Morris on July 10th of 2014
9 were -- did you have any information as to whether Officer
10 Holtzclaw had gone to 26th and Kelley?

11 A No, I did not.

12 Q Based on your investigation is there any way that Terri
13 Morris would have to know that Officer Holtzclaw went to
14 26th and Kelley?

15 A No, not unless she was with him.

16 Q Does Officer Sellers resemble Officer Holtzclaw?

17 A No.

18 Q How do they differ in appearance?

19 A His build's not as muscular. He has lighter brown hair
20 compared to Officer Holtzclaw having darker hair. Their
21 facial features are different.

22 Q Whenever Mr. Adams asked you if Officer Sellers was in
23 the line-up that was shown to Terri Morris; do you remember
24 that line of questioning?

25 A Yes.

1 Q Through your time as an Oklahoma City police officer
2 have you assembled line-ups?

3 A Yes, I have.

4 Q Whenever you assemble a line-up what are you trying to
5 do?

6 A We're trying to -- basically what we do is we get six
7 pictures together and then we have who we think maybe is the
8 possible suspect somewhere in the middle of them. And we're
9 just trying to see if the victim can verify that is who we
10 think it is.

11 Q And these six pictures of people, are you trying to get
12 people who look similar or who look different?

13 A Similar.

14 Q When Officer Sellers was in contact with Terri Morris
15 back in April of 2014, was he at Liberty Station Apartments?

16 A No.

17 Q Was he at 24th and Lindsay area?

18 A No.

19 Q Was he at the field that we've seen, State's Exhibit
20 305, at Hill and Phillips?

21 A No.

22 Q Was he at 26th and Kelley?

23 A No.

24 Q Was that significant to you?

25 A Yes, that's -- Terri's the one who pointed out this is