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IN THE DISTRICT COURT OF OKLAHOMA COUNTY

JUN 11 2015

STATE OF OKLAHOMA

TIM RHODES
COURT CLERK

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

46

Case No. CF-2014-5869

CFY

* * * * *

VOLUME II OF II

SEVENTH JUDICIAL DISTRICT OF OKLAHOMA

TRANSCRIPT OF PRELIMINARY HEARING

HAD ON THE

18TH DAY OF NOVEMBER, 2014

BEFORE THE HONORABLE D. FRED DOAK

SPECIAL JUDGE

* * * * *

RECEIVED

MAY 26 2016

ATTORNEY GENERAL

REPORTED BY:

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FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

L-55

1 standing. Mr. Gieger will pull the microphone up to you.
2 You can put your bag there on the floor or in your lap,
3 however, you're more comfortable.

4 THE WITNESS: All right.

5 THE COURT: And just face toward Ms. McConnell.
6 Would you please tell me your name?

7 THE WITNESS: Terri L. Morris.

8 THE COURT: Okay. Ms. Morris, you don't need
9 to lean into the microphone quite so much.

10 THE WITNESS: Oh, I'm sorry.

11 THE COURT: But you're speaking up very nicely
12 and I appreciate that. That helps.

13 THE WITNESS: I apologize.

14 THE COURT: That helps. You're doing fine.

15 Mr. -- Ms. McConnell, you may inquire.

16 MS. MCCONNELL: Thank you, Judge.

17 TERRI MORRIS,

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

20 DIRECT EXAMINATION

21 BY MS. MCCONNELL:

22 Q Ms. Morris, how old are you today?

23 A Forty-four.

24 Q I'm going to talk to you about May 8, 2014. Okay.

25 Back in the evening hours of May 8, 2014, did you

1 encounter an Oklahoma City Police Officer?

2 A Yes. Yes, ma'am.

3 Q Where were you whenever you saw that Oklahoma City
4 Police Officer?

5 A Coming out of Liberty States Apartments almost to
6 the corner of 26th and Laird -- I mean, Lindsay.

7 Q Okay. Is that 26th and Lindsay?

8 A Yeah.

9 Q And you said that those were Liberty States
10 Apartments?

11 A Station.

12 Q Station. And Liberty Station Apartments you said
13 you were leaving the apartment complex.

14 A Yeah.

15 Q How did the officer make contact with you?

16 A He stopped me. He pulled up beside me.

17 Q And so he pulled up in a police car?

18 A Yeah.

19 Q What did that police car look like?

20 A It had the thing on the top. It was just a regular
21 police car.

22 Q When you say "had things on the top," do you mean it
23 had lights on the top?

24 A Uh-huh.

25 Q Is that a yes?

1 match up in the CAD system to see if Officer Holtzclaw
2 was himself putting himself in those locations at the
3 times that the names were run?

4 A Yes.

5 Q Okay. Do you know if that was consistent with all
6 of them or was it a percentage of them?

7 A Most of them, not all of them.

8 Q Most of them, not all of them. But in any event it
9 was consistent with the information if he, in fact, did
10 call in and say, I'm -- I'm somewhere?

11 A Yes.

12 Q Okay. Did you find any instances whenever an
13 individual was run by Officer Holtzclaw or whenever an
14 individual said I came in contact with Officer Holtzclaw,
15 but the actual CAD system puts him in another location.
16 I realize he didn't always call in and say, I was here on
17 the CAD system. But did you find any discrepancies that
18 were conflicted that he says he was on the northwest part
19 of town when apparently the victim is saying I'm coming
20 in contact on the east -- northeast part of town?

21 Anything like that?

22 A No, there were no discrepancies.

23 Q Okay. Finally, ma'am, I want to ask you about what
24 AVL is? What is AVL?

25 A Automated Vehicle Locater.

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

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

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

8 A Correct.

9 Q And is it like a GPS?

10 A Yes.

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

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

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

18 A If the car is in motion.

19 Q What if it's stopped?

20 A It hits every five minutes.

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

25 A Correct.

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

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

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

12 A Yes.

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

16 A Yes.

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

19 A Yes.

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

25 A Yes.

1 Q When Officer Holtzclaw reported to work the next day
2 and that would have been around 4:00 on June 18th, was he
3 -- I don't know if confronted is the right word. But was
4 he contacted and did you interview him immediately before
5 he went back out on the streets on June 18?

6 A Yes.

7 Q Did you threaten him in any way? Did you coerce
8 him? Did you make any promises to him to get him to talk
9 to you and enter -- waive his Miranda rights and speak to
10 you?

11 A No.

12 Q Was Detective Gregory also present for that
13 interview?

14 A Yes.

15 Q During that interview, ma'am, did you inquire as to
16 the traffic stop that you saw both visually from the
17 surveillance video, but also what Janne Ligons had told
18 you, did you inquire about that traffic stop to Officer
19 Holtzclaw?

20 A Yes.

21 Q And even though that he didn't, did you ask why he
22 didn't run it in CIU? Why he didn't run it in Varuna and
23 those things?

24 A I know that -- I don't remember if we asked it
25 without looking at my report. He told us that he made

1 the traffic stop, but he was already logged off his
2 computer, so you don't -- he doesn't have access. The
3 computer is off to do those checks.

4 Q So he'd logged off his computer why? If he told
5 you.

6 A He was off duty.

7 Q Okay. Is it consistent with your experience for a
8 police officer to make traffic stops and log off duty --
9 I mean, when you've logged off duty to get off work to go
10 ahead and make additional traffic stops. Does that seem
11 strange to you?

12 A Yes.

13 Q Okay. Does it also seem strange to you that he's
14 stopping individuals and not checking them for warrants
15 and things like that on a DUI traffic stop?

16 A Yes.

17 Q But in any event he acknowledged that he did make
18 that stop and gave different reasons as to why he did it;
19 is that correct?

20 A That's correct.

21 Q Several of the ladies and I'm going to do it this
22 way. When the investigation was done, both you and
23 Detective Gregory worked independently on the different
24 victims, but working together and sharing information
25 that you received, is that fair?