

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

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4 JANNIE LIGONS, SHANDAYREON HILL,)
TABATHA BARNES, TERRI MORRIS,)
5 SYRITA BOWEN, CARLA JOHNSON,)
KALA LYLES,)

6 Plaintiffs,)

7 vs.) No.

8) CIV-16-184-HE

9 CITY OF OKLAHOMA CITY, a municipal)
corporation, DANIEL HOLTZCLAW,)
10 BILL CITT, BRIAN BENNETT, ROCKY)
GREGORY, JOHN AND JANE DOES, all)
in their individual capacity,)

11 Defendants.)

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14 VIDEOTAPED DEPOSITION OF TERRI MORRIS

15 TAKEN ON BEHALF OF THE DEFENDANTS

16 IN OKLAHOMA CITY, OKLAHOMA

17 ON DECEMBER 13, 2018

18

19 REPORTED BY: KAREN B. JOHNSON, CSR

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1 Q Have you read a deposition?

2 A I don't recall, I don't know.

3 Q Have you looked at any documents that you
4 believe have anything to do with this lawsuit?

5 A Shoot, I -- I don't recall, I don't know,
6 I -- I don't remember.

7 Q You don't remember if you've looked at any
8 documents that you think have anything to do with
9 this lawsuit?

10 A No.

11 Q Have you looked at any videos -- or strike
12 that.

13 Have you watched any videos that you think
14 have anything to do with this lawsuit?

15 A No, besides the news, no.

16 Q Okay. Have you listened to any audio
17 recordings that --

18 A No.

19 Q Let me finish my question, please. That
20 you think have anything to do with this lawsuit?

21 A No, ma'am.

22 Q Have you seen any photographs that you
23 think have anything to do with this lawsuit?

24 A No, ma'am.

25 Q Have you read any papers, any newspapers,

1 articles that have anything to do with the Daniel
2 Holtzclaw situation?

3 A With the case?

4 Q Sure.

5 A I mean, yeah, newspaper, a newspaper,
6 news, that's it.

7 Q Okay. Okay. Have you read any police
8 reports that have anything to do with Daniel
9 Holtzclaw or your allegation?

10 A Not that I recall.

11 Q Have you read any -- or strike that.
12 Do you know what a transcript is?

13 A Yes, I do.

14 Q What do you think a transcript is?

15 A It's like going over like -- like a
16 testimony that documents or something like that.

17 Q Sure. Yeah, that's good. Have you read
18 any transcripts that you think have anything to do
19 with allegations against Holtzclaw?

20 A No, ma'am, not that I recall.

21 Q Do you recall what you did yesterday?

22 A Yes.

23 Q What did you do yesterday?

24 A Sit around and watched TV and spend time
25 with my family.

1 A Well, you know what, because one police
2 already violate me, what was going to make me so
3 trusting to the next one?

4 Q Okay. Do you know the date you reported
5 this?

6 A No, I don't remember.

7 (Defendant's Exhibit Number 2 marked for
8 identification and made part of the
9 record)

10 Q (By Mr. Smith) Okay. Well, let's talk
11 about the lawsuit that you filed. And, of course --
12 going to hand you what's been marked as Defendant's
13 Exhibit Number 2.

14 MR. HALL: What is it, the complaint?

15 MR. SMITH: Yes, sir, it's the first
16 amended complaint. I'm going to give you brand-new
17 copies or --

18 MR. HALL: Okay. Okay. Sure.

19 MR. SMITH: Yeah, I didn't -- I don't know
20 what I'm doing, Melvin, I'm just -- Mr. Johnson,
21 it's the first amended complaint again. You got it?
22 Are you -- you with us?

23 MR. JOHNSON: Sorry about that, yes, I
24 have it.

25 MR. SMITH: Okay.

1 A All right.

2 Q And when she takes the stand and says
3 that's a mistake on her behalf, that the
4 investigation didn't start until May 25th.

5 A Yeah, it didn't start the night -- it
6 didn't -- they didn't start investigating the day
7 that it occurred, they didn't.

8 Q Okay. And would you have any evidence to
9 dispute that the investigation started on May 25th?

10 A No, I don't.

11 Q Okay. Have you ever heard the 911 call
12 that Chris -- Charles Shelton made?

13 A Chris Shelton, yeah, I was sitting --

14 Q Chris Shelton, I apologize.

15 A I was sitting right there.

16 Q You heard his speaking; right?

17 A Yeah.

18 Q Okay. And so when I play it at the trial,
19 when it's time and date stamped and it says May
20 25th, you don't have any evidence to refute that, do
21 you?

22 A No.

23 Q Okay. Can you tell me why at Page 10 you
24 said on May 11th you reported it?

25 A I don't know that it was the 25th, the

1 A I see.

2 Q You got to say yes or no for the record.

3 A Yes.

4 Q Okay. "I asked her to tell me what
5 happened. Morris said she was walking to City
6 Rescue Mission when an officer stopped her, searched
7 her, put her in his back seat and then made her suck
8 his penis." Did you tell her that?

9 A Yes.

10 Q "Morris could not remember if this
11 occurred on 5-20-14 or 5-21-14." Did you tell her
12 that?

13 A I probably did. I don't recall, though.

14 Q Okay.

15 (Defendant's Exhibit Number 6 marked for
16 identification and made part of the
17 record)

18 Q (By Mr. Smith) Going to hand you what's
19 been marked as the third amended information.

20 MR. SMITH: Going to be Defendant's
21 Exhibit 6, Mr. Johnson, do you have the third
22 amended complaint?

23 MR. JOHNSON: I do. The information,
24 yeah.

25 MR. SMITH: And you can actually, for the

1 one I'm talking about is just going to be Number 12,
2 so you could use one, two or three, or the original
3 one, two or three, but -- but I'm introducing the
4 third amended, and I'm sorry, I've lost my numbers.
5 6.

6 MR. JOHNSON: That was 6?

7 MR. SMITH: Yes, sir. Here, no, I forgot,
8 you're --

9 MR. HALL: Thank you.

10 Q (By Mr. Smith) Would you look at Count
11 12.

12 MR. SOLOMON-SIMMONS: It's the third page.

13 THE WITNESS: Okay.

14 MR. SOLOMON-SIMMONS: The next one.

15 Q (By Mr. Smith) Do you see it's alleged
16 that on May 8th, 2014, Holtzclaw violated you,
17 ma'am?

18 A Yeah.

19 Q Do you know how the date May 8th was
20 arrived at?

21 A I wasn't -- I wasn't -- it wasn't May the
22 8th when I was violated, I was violated three or
23 four days before I reported it.

24 Q Okay. Ma'am, do you understand that the
25 reason we picked May 8th was because that's the date

1 Holtzclaw ran your name through the computer system?

2 A That wasn't the day that he raped me.

3 MR. JOHNSON: Objection to form.

4 Q (By Mr. Smith) Go ahead. He's -- he's
5 made his objection. If you understand my question,
6 you can answer it, if you don't understand my
7 question, please ask me to explain it.

8 A I understand on here, but that wasn't the
9 date, I don't know what --

10 Q Okay. So you say May 8th is not the date?

11 A I don't remember the day, the date, but I
12 don't think it was that day, it was -- because it
13 was just a few days before I finally got it out in
14 the open.

15 Q Okay. Ma'am --

16 A I don't remember, I don't recall. You
17 tell me to recall something, I can't recall these
18 dates.

19 Q Did Holtzclaw put you in his car?

20 A Yes, he did.

21 Q Did he run your name?

22 A Yes, he did.

23 Q Did it come back with warrants or no
24 warrants?

25 A No warrants.

1 Q Do you understand that when he ran your
2 name, it was tracked by the OCPD?

3 A I understand.

4 Q Do you know that the only day he ran your
5 name was May 8th?

6 A Okay. Well, some -- okay.

7 Q Okay?

8 A Uh-huh.

9 Q Okay.

10 A I still don't remember.

11 Q Do you know who filled out the affidavit
12 of probable cause --

13 A No, I don't.

14 Q -- for that? Okay.

15 MR. HALL: Let him finish his question
16 before you answer, okay?

17 THE WITNESS: Okay.

18 MR. SMITH: And, Melvin, I'm going to have
19 to go back to the first amended because the
20 affidavit of probable cause for that count is not on
21 that document, so I'm going to use one from the
22 prior deposition, okay?

23 MR. HALL: Okay.

24 MR. SMITH: I'm not trying to confuse
25 everybody but myself.

1 MR. HALL: Yeah, we got it. That's
2 Exhibit 5.

3 MR. SMITH: Defendant's Exhibit 2 is what
4 I have.

5 MR. HALL: 2. Oh, you talking about the
6 information?

7 MR. SMITH: The -- yes, sir. Everybody
8 with me?

9 MR. HALL: Okay. Got it.

10 MR. SMITH: That's the amended one, so
11 that's still wrong, I don't know if I have -- do I
12 have the original anywhere here today? Does anybody
13 have the original? Okay. I -- I'll go on. I think
14 I would be beating a dead horse.

15 Q (By Mr. Smith) Do you know that Rocky
16 Gregory wasn't assigned this case until 5-27, 2014?

17 A No, I didn't know that.

18 Q Okay. Did you listen to his testimony at
19 trial?

20 A I can't remember it, though.

21 Q Did you listen to it?

22 A I don't know, I don't remember.

23 Q Have you read his testimony?

24 A No, I don't think so.

25 Q Have you read his report that's six pages

1 long about the attempts he made to locate you from
2 5-24 --

3 A No.

4 Q -- to 6-03?

5 A No.

6 Q Would you agree it was hard to locate you?

7 A Yeah, because I didn't want to be located,
8 I was scared.

9 Q Okay. I understand that, ma'am. And I
10 understand you have an excuse, but do you know that
11 Rocky Gregory tried to find you for those five or
12 six days?

13 A I don't know how many days, but I knew he
14 was trying to find me.

15 Q Okay. And when he found you on 6-3, did
16 he interview you?

17 A He -- I -- he showed me, he interviewed
18 me.

19 Q Okay.

20 A I don't know.

21 Q And did you tell him you didn't want to
22 prosecute?

23 A I did, I was scared.

24 Q Okay. Ma'am, I understand you want to
25 tell us you're scared, you've told us that many

1 A I think so, yeah.

2 Q And that you didn't want to be
3 interviewed?

4 A Yeah.

5 Q And he asked you if you'd come down to the
6 station to sign a refusal?

7 A Yes.

8 Q And you went down to the station and you
9 signed the refusal?

10 A Yeah.

11 Q And then he said, "I tried to relay to
12 Terri how the police department was on her side,"
13 did he tell you that?

14 A Yeah, he tried to.

15 Q "I advised Terri that the department does
16 not want officers doing these criminal acts." Did
17 he tell you that?

18 A Yes, he did.

19 Q "I advised her we had investigated
20 officers in the past and they had to face their
21 crimes."

22 A Yes, he did, I think so.

23 Q "I tried to get Terri to understand we
24 didn't want to just let this issue go."

25 A Yes.

1 Q "Terri would just state she didn't want to
2 go through with the charges or the investigation;"
3 is that a true statement?

4 A Yes.

5 Q Did he, quote, unquote, beg you to
6 cooperate for reasons concerning her and the health
7 of the public?

8 A Yes.

9 Q "I tried to get her to look at a photo
10 lineup of possible candidates."

11 A I looked, I pointed out two officers and
12 one of them happened to be Holtzclaw.

13 Q Okay. Ma'am, when you were shown a lineup
14 by officer -- a Detective Higginbottom, you picked
15 out two people. Do you remember Gregory trying to
16 show you a lineup before Higginbottom showed you the
17 lineup?

18 A I thought it was Gregory that showed me
19 the lineup, I don't know, somebody showed me and I
20 picked out two officers because they looked just
21 alike kind of.

22 Q Okay.

23 A And I was told that I did a good job.

24 Q Okay. Well, his -- the last sentence on
25 Page 2 or last paragraph starts with, "Terri began

1 to get very upset demanding not to see the photos."

2 A I don't remember that.

3 Q Okay.

4 A I remember picking out somebody in the
5 lineup.

6 Q I understand, ma'am, I understand. You're
7 talking about when Detective Higginbottom showed you
8 the photo lineup.

9 MR. SOLOMON-SIMMONS: Object to form.

10 THE WITNESS: I only remember seeing it
11 once.

12 Q (By Mr. Smith) I understand that. You
13 wouldn't look when Detective Gregory tried to show
14 you one.

15 MR. SOLOMON-SIMMONS: Object to form.

16 Q (By Mr. Smith) Do you see that, ma'am?

17 MR. JOHNSON: Objection; argumentative.

18 THE WITNESS: I don't recall.

19 MR. SMITH: I'm sorry, did you make an
20 objection?

21 MR. JOHNSON: Yes. Argumentative, asked
22 and answered.

23 MR. SMITH: That's not a proper objection,
24 either one of them.

25 Q (By Mr. Smith) But go right ahead, ma'am,

1 THE WITNESS: I don't recall.

2 MR. JOHNSON: Objection to the form, also
3 calls for legal conclusion.

4 MR. SMITH: Okay.

5 (Defendant's Exhibit Number 8 marked for
6 identification and made part of the
7 record)

8 Q (By Mr. Smith) Going to hand you what's
9 been marked Defendant's Exhibit Number --

10 MR. JOHNSON: 8.

11 MR. SMITH: Thank you.

12 Q (By Mr. Smith) Now I can't find a pen, my
13 tub toys don't play, my pens don't work. This is
14 Defendant's Number 8, do you recognize this
15 document, ma'am? I'm sorry.

16 A I don't -- I don't remember it, but I know
17 my handwriting, but I don't recall it.

18 Q But that is your handwriting, isn't it,
19 ma'am?

20 A Right.

21 Q That's your signature?

22 A Right.

23 Q And it says you refused to prosecute;
24 correct?

25 A Yeah, I guess so, yeah.

1 was at the end of May, May 20th, 21st, is that
2 still, your answer is yeah?

3 A I -- I guess so, I guess, if that's what I
4 said, I guess so, because I don't remember.

5 Q I understand. About middle way down,
6 again, pointing it out to everybody, "I mean, you're
7 interested in going forward with this," and you say,
8 "No."

9 He says, "Are you sure?"

10 And you say, "Yeah."

11 Did you tell him that, as of June 24th,
12 you didn't want to prosecute?

13 A I guess so, yes, I guess it was that time,
14 yes.

15 Q Okay. And then he says, "You know, I want
16 you to because I told you about -- yeah, yes, sir, I
17 know, I don't want to be involved no more, I'm done,
18 that's all I can do. I just want to put it behind
19 me, I want." Did you tell him that?

20 A Yes, I did.

21 Q As of June 24th?

22 A I don't remember the date, but, yes, I
23 remember -- recall telling him that a while back.

24 Q Okay. I promised you Higginbottom's
25 report where it says you picked out two people, I'm

1 "Oh, I don't remember" was your answer.

2 A I don't recall, but --

3 Q Okay. Done with that, gentlemen. Did you
4 know that Rocky Gregory is the person that arrested
5 Holtzclaw?

6 A No, I didn't.

7 Q Everybody's seen this but you, I believe.
8 (Defendant's Exhibit Number 12 marked for
9 identification and made part of the
10 record)

11 Q (By Mr. Smith) Defendant's Exhibit Number
12 12, Rocky Gregory's 8-26-14 report in which he wrote
13 he arrested Daniel Holtzclaw on 8-21-14, do you see
14 that, ma'am?

15 A Yeah.

16 Q Does that sound like he was afraid of
17 Holtzclaw?

18 A No.

19 Q Did he sound like he wanted Holtzclaw to
20 get away with whatever he was trying to do?

21 A No.

22 Q Can you tell me why you sued him?

23 A I don't know.

24 (Defendant's Exhibit Number 13 marked for
25 identification and made part of the

1 identification and made part of the
2 record)

3 Q (By Mr. Smith) Ma'am, first amended
4 complaint.

5 MR. SMITH: I think I must have because
6 I'm down to one copy.

7 MR. HALL: Okay.

8 MR. SMITH: And if I wasn't down to one
9 copy, I probably wouldn't share anyway, that's the
10 way I'm feeling at the moment.

11 MS. GOOCH: I'm pretty sure it's been
12 admitted.

13 MR. SMITH: I'm pretty sure it is, too.
14 Here.

15 MR. HALL: You got double in your pile,
16 unless you want to --

17 MR. SMITH: Yeah, I think I talked about
18 Paragraph 25, ma'am.

19 Q (By Mr. Smith) Did I -- I asked you to
20 read about 25, that's where we got stuck on. Let's
21 go to --

22 MR. HALL: It's Page 9 is at Paragraph 25,
23 so.

24 MR. SMITH: Yeah. I'm done with that.

25 Q (By Mr. Smith) I was going to go on to