

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.
) CIV-16-184-HE

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

11 Defendants.)

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14 VIDEOTAPED DEPOSITION OF ROCKY GREGORY

15 TAKEN ON BEHALF OF THE DEFENDANTS

16 IN OKLAHOMA CITY, OKLAHOMA

17 ON JANUARY 17, 2019

18

19 REPORTED BY: KAREN B. JOHNSON, CSR

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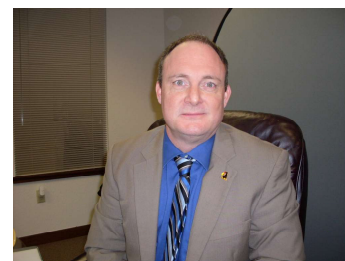
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1 evidence was developed or what evidence did you
2 gather that caused you to have probable cause to
3 arrest Daniel Holtzclaw for any crime?

4 A You have to take each individual victim
5 that we had. Once we started having the victims to
6 be interviewed, talk with them, and we had to have
7 time to go over like radio contact, did he run them,
8 where was the AVL, I mean, did that match up with
9 the stories that they were telling us, was there
10 side witnesses to talk to. We really didn't have
11 any security surveillance or anything, so that
12 wasn't a factor, but the AVL and everything speaking
13 about, we felt like that it was time to go ahead and
14 arrest him. Actually, I remember in August telling
15 the supervisors I felt like it was time, that we
16 needed to arrest him.

17 Q So you were one of the people involved in
18 deciding to arrest Daniel Holtzclaw; correct?

19 A Yes, being one of the detectives, yes, I
20 felt like that we had had beyond enough to go ahead
21 and place him under arrest, I felt like he was a
22 danger to society, even out of uniform.

23 Q Did you physically place him under arrest?

24 A Yes.

25 Q Who else was present at the -- when he was

1 Q Okay. And I know these pictures are dark
2 and some are hard to see, but could you tell us
3 which one of these pictures is Officer Sellers?

4 (Videoconference feed disconnected)

5 MR. SMITH: Don't answer. Remember your
6 question. He's not there.

7 (Break taken from 3:12 to 3:21)

8 THE VIDEOGRAPHER: Back on the record.

9 MR. SOLOMON-SIMMONS: Okay. Can you read
10 back the question, the previous question?

11 COURT REPORTER: "I know these pictures
12 are dark and some are hard to see, but could you
13 tell us which one of these pictures is Officer
14 Sellers?"

15 THE WITNESS: These are old photographs
16 and dark, and I only know Jeff Sellers like that
17 much, very -- not very much, that could be him, but
18 it's so dark.

19 Q (By Mr. Solomon-Simmons) When you say
20 "that," what number are you?

21 A Two.

22 Q Okay. 002556?

23 A There you go, yes.

24 Q Okay.

25 A And I might be wrong. What I recall is

1 that they both were in it, because at the time, we
2 didn't know, it could have been any officer, it
3 could have been the county officer, it could have
4 been OCPD, Del City using a car at that time. This
5 is just the last couple officers that we knew had
6 contact, so that was all we had, so.

7 Q And you also had Terri's description;
8 correct?

9 A I had Terri's description.

10 Q Now, I think you testified that you ran
11 the AVL dates for just the dates -- AVL for the
12 dates that Terri reported to you; is that correct?

13 A That's correct.

14 Q Okay. But at what point did you run the
15 AVL data to May 8th?

16 A When Terri -- when Terri became honest,
17 and it was in -- it was in July, we had basically my
18 third contact with her, she said she wanted to talk
19 with me. She said, I didn't tell you the right
20 place, where it happened was, it had nothing to do
21 with the Mission downtown, had everything to do with
22 Liberty Station.

23 So when she gave that, then we kind of
24 broke it down, that's when she, you know, went on
25 the drive with me, kind of told where he -- he went,

1 things like that. Then I was able to get the AVL
2 and back her story up for the first time, because
3 that led us to the May 8th, that put confirmation
4 where she's saying it happened, that was May 8th,
5 she was wrong on the dates. But I couldn't use the
6 May 8th until she gave me something, until she
7 stopped lying on -- yeah, lying on the dates.

8 Q So you -- you --

9 A I'm sorry, lying on the address, sorry.

10 Q If I'm understanding you, you're saying
11 you were not aware of the May 8th dates until you
12 talked to Terri on July 10th and she cleared up --
13 cleared up what actually occurred?

14 A I couldn't tie -- going off of what Terri
15 said, I couldn't tie Holtzclaw in outside of just
16 the -- the description she gave, okay, which, you
17 know, the description, it -- it's still a little
18 broad, but I couldn't tie Holtzclaw into the May 8th
19 until she relayed, I lied about it, this is where it
20 happened, and then I can confirm her story and
21 corroborate her story, and that it was -- it backed
22 it up on May 8th is when it happened.

23 Q And when you say you couldn't -- I'm just
24 trying to make sure I understand what you're saying.

25 A Okay.

1 Q You didn't know to look back to May 8th
2 until you had the conversation with Terri in July,
3 is that what you're saying?

4 A I knew Holtzclaw -- okay. So I knew like
5 May 27th, May 28th, I knew that Holtzclaw stopped
6 her, he had stopped her on -- on May the 8th,
7 nowhere downtown, anything like that. Same with
8 Sellers, I had nothing, I had no -- I couldn't go
9 after Sellers or -- or Holtzclaw on that. It was
10 only until she let me know that that's where the
11 address was that I could confirm, and I went back to
12 May 8th, because I knew, I knew from investigating
13 it that May 8th was the only contact, recent contact
14 with Seller -- or with Holtzclaw, so I went back,
15 looked at it and it matched up with what Terri was
16 telling me at that time.

17 Q Okay.

18 A But I couldn't do anything until she gave
19 me that.

20 Q Okay. So as a -- I think your words, you
21 said interested party, that's what you called
22 Holtzclaw or what about do you guys down here in
23 Oklahoma City use the term "a person of interest"?

24 A We -- we do, like on the news, stuff like
25 that, person of interest. See, like I have a report

1 to like, say, the Ligons case, nothing pointed to
2 anything that would send up a red flare.

3 Q So can you tell me what specifically you
4 did to ascertain that Daniel Holtzclaw had a, quote,
5 pretty clean background?

6 A I'm trying to think if we spoke with his
7 captain and kind of would know the troops, I'm kind
8 of getting confused on my time period. Got to
9 remember, after June 3rd, June 3rd is when Terri
10 ended the investigation, she -- that was it, as soon
11 as she signed that thing, I really can't do anything
12 more. Because we had no -- at that very second she
13 signed that, I had no suspect, no nothing, she
14 wouldn't look at anything, so the 3rd to the 18th,
15 there was nothing done.

16 Now, I spent the majority of the time from
17 the 27th to the 3rd just simply trying to hunt her
18 down. Now, I did try to go back on and focus on
19 what she was telling me about the area, stuff like
20 that. As far as like looking at Holtzclaw or
21 Sellers along those lines, they weren't developed
22 enough as a suspect.

23 THE VIDEOGRAPHER: Off the record.

24 (Break taken from 3:46 to 3:47)

25 THE VIDEOGRAPHER: We're back on the

1 record.

2 Q (By Mr. Solomon-Simmons) So if I'm
3 understanding your testimony correctly, Detective
4 Gregory, from May 27 to June 3rd is when you're
5 saying you were very active in the case before
6 Ms. Morris signed her declaration saying, hey, I'm
7 too scared, I don't want to deal with this; correct?

8 MR. SMITH: Object to the form.

9 THE WITNESS: Yeah, rephrase, and I think
10 I can answer.

11 Q (By Mr. Solomon-Simmons) Well, let me ask
12 you this first, why did it take from May 24th to May
13 27th for you to get the case?

14 A The weekend, that -- that was the deal.
15 If I remember right, yeah, the 24th was a Friday, I
16 didn't get it till Monday, and that's the reason. I
17 go in there on Monday, detectives, Monday through
18 Friday, that's when they first show up and assign
19 the case.

20 Q So if any crime happens on a Friday that
21 requires a detective, it's not -- that happens on a
22 Friday night after the shift, it won't be assigned
23 to a detective till the next Monday?

24 A Well, depends on what it is, if it's
25 like -- like if it's a homicide, we're going out,

1 report for May 8th, 2014?

2 A When Terri -- when Terri came out in July
3 and said, I lied about where it happened.

4 Q Okay.

5 A And then she said it was over at Liberty
6 Station. So with changing that, go back and look at
7 Holtzclaw, because by that time, he is developed as
8 a suspect, now she gave something of -- of fact, she
9 said it happened at Liberty Station, I pulled up the
10 AVL, everything that Terri told me was matching up,
11 except for one little thing and that was where she
12 was dropped off, but other than that, she was in
13 that car.

14 Q Okay. This is Plaintiff's 3.
15 (Plaintiff's Exhibit Number 3 marked for
16 identification and made part of the
17 record)

18 Q (By Mr. Solomon-Simmons) Detective
19 Gregory, I've handed you what's been marked as
20 Plaintiff's 3, have you seen this document before?

21 A It's too long ago.

22 Q Okay.

23 A It shows that I'm on the cc, so.

24 Q So that is you, Rocky L. Gregory?

25 A Uh-huh.

1 Q Okay. If we look at the first -- reading
2 from the bottom up, it says this is a e-mail from
3 Major Wenzel to Joseph Hill, and it says, "Joe, the
4 off-line search shows our complaint" -- "our
5 compliant was run on May 8th at 2055 by
6 2C45D.Holtzclaw through CIU. Can you please check
7 his AVL for me for these dates? Thanks." Do you
8 see that?

9 A Yes.

10 Q And the date of this e-mail is May 29th,
11 2014, do you see that?

12 A May 29th. Okay. Yes.

13 Q Okay. And then the next e-mail is from
14 Joseph Hill back to Major Wenzel, says, "I attached
15 the AVL map and CIU radio traffic." Do you see
16 that?

17 A Okay.

18 Q Do you see it?

19 A Yeah.

20 Q Okay. And then the next e-mail is a
21 e-mail from Major Wenzel to Captain Bacy, Lieutenant
22 Muzny and you, do you see that?

23 A Okay.

24 Q And it -- this e-mail seems to have
25 information dealing with Daniel Holtzclaw, May 8th

1 AVL data; is that correct?

2 A Right, but that didn't do me any good
3 until July.

4 Q Well, I'm just trying to understand your
5 testimony, because I thought you just testified that
6 you do not have any information about the May 8th
7 date until after Terri talked to you in July.

8 A The May 8 thing wasn't even really a
9 solid -- sorry, let me explain. It wasn't until
10 July -- we had to focus on what Terri was giving us,
11 Terri never said Liberty Station. The AVL on this
12 actually was irrelevant. Until Terri actually said,
13 okay, I was stopped over at Liberty Station, I was
14 stopped over there, well, that's that brings May
15 8th, for the first time in this whole investigation,
16 May 8th came to light. So now I could look at the
17 AVL. She -- this AVL could have been brought up at
18 any time, but because of Terri, she made it
19 irrelevant.

20 Q Well, why was this AVL -- why was this AVL
21 brought up on May 29th?

22 A Just because that's the one day, in -- you
23 got to understand, it's just such an early part of
24 the investigation, we had AVL for Holtzclaw on that
25 day, AVL on Sellers back in April. Did the AVL show

1 them at all on their stop over at Mission downtown,
2 and as soon as it didn't, we can't use it, I mean,
3 it's not -- it didn't show anything.

4 Q Well, did you review the AVL on this date?

5 A I don't remember looking, I think it was
6 just the -- the traffic stop as far as like -- I
7 don't remember studying the AVL until July, but as
8 far as I knew, that the stop wasn't even close to
9 downtown, so you got to go off of what Terri says.

10 Q I understand, but if you would have -- if
11 you would have studied the AVL, you would have saw
12 the gaps in time of the car being -- not moving with
13 Terri in the car; correct?

14 A No, Terri -- no, not at all. It would
15 have showed him stopped, Terri didn't -- Terri
16 didn't say which way it went or anything like that.
17 Terri lied, Terri said on -- to Officer Thomas and
18 me on the second time, she said, I am downtown, he
19 drives around for a little bit and drops me off by
20 some red brick buildings, that's the best I ever got
21 out of her. Reason it wouldn't helped out on the
22 AVL, it's the wrong location, because she lied about
23 the location, and she never did say, well, went up
24 here on -- on Phillips and hung a left or anything.
25 If she would have told me where it happened, she

1 would have had to give me those directions. I have
2 all that, but Terri never even mentions it. I have
3 to have Terri tell me, okay, I lied to you, now,
4 this is where it happened, Liberty Station over off
5 of 26th. Okay. Goes back to the 8th, goes back to
6 Holtzclaw, can you show me, we go through it, I go
7 back, study that AVL, it's just like she says, but
8 it's not until Terri comes forward.

9 Q Do you know why this e-mail doesn't
10 mention anything about Sellers' AVL?

11 A It could have been a separate, I -- I
12 don't know. It could have been a separate deal. I
13 know that -- I don't know.

14 Q Is it your understanding that there should
15 be an e-mail about Sellers' AVL?

16 A That, I don't know, maybe they were just
17 looking at like what I did instead of going like
18 eight people back, they just went to the last
19 officer. I don't know what Wenzel -- I don't know
20 the full conversation for her and -- and Hill on
21 that day.

22 Q Can you tell me because -- why would -- do
23 you know why Major Wenzel would be involved in the
24 investigation at this point?

25 A Why?

1 Q Yes.

2 A I don't know why she pulled that up, I
3 don't know. Sometimes the brass will start -- be
4 like, hey, let me help out by ordering up something.

5 Q Can you think of any reason -- oh, I think
6 you just testified, you think -- you're saying
7 potentially they just went back to one officer and
8 that would have been Daniel Holtzclaw?

9 A I'm second guessing, but I would -- I
10 would think so. Either there's going to be a second
11 e-mail over Sellers or they just went -- started
12 thinking about, let's pull up that last officer,
13 let's just see if that last officer was over by the
14 Mission.

15 Q And you never had any conversation --
16 strike that.

17 Did you have a conversation with Captain
18 Bacy about this e-mail thread at the time, you know,
19 once you received -- received a copy of it on the
20 12-20?

21 A I don't remember anything about the AVL
22 deal until July, because, again, it wasn't
23 significant till Terri stopped lying.

24 Q If you had reviewed the AVL data before
25 July, could that assisted you when you talked to

1 Terri on June 3rd, potentially?

2 A None. It wouldn't have done it at all,
3 because Terri was sticking to her guns about the
4 downtown.

5 (Plaintiff's Exhibit Number 4 marked for
6 identification and made part of the
7 record)

8 Q (By Mr. Solomon-Simmons) I've handed you
9 what's marked as Plaintiff's Exhibit 4, have you
10 seen this document before, Detective?

11 A It's -- it's been a long time, I haven't
12 read it lately, but, yes.

13 Q And this is a -- a report that was
14 purportedly created by Officer Thomas; correct?

15 A Yes.

16 MR. SMITH: Object to the purported.

17 Q (By Mr. Solomon-Simmons) Now, we have
18 had -- you've testified kind of today about reports
19 having several mistakes on them; correct?

20 MS. GOOCH: Object to the form.

21 Q (By Mr. Solomon-Simmons) Different
22 reports having some mistakes on them; is that
23 correct?

24 A Yeah, I -- on what we spoke about earlier,
25 it could be mistakes, it might not be, I don't