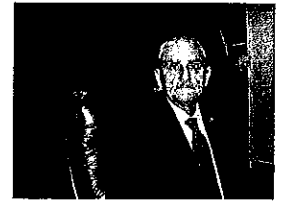


1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3
4 ADAIRA GARDNER, individually,)
5 Plaintiff,)
6 vs.) No.
7 DANIEL HOLTZCLAW, et al.,) CIV-16-0349-HE
8 Defendants.)



9
10
11 VIDEOTAPED DEPOSITION OF JOHNNY KUHLMAN
12 TAKEN ON BEHALF OF THE PLAINTIFF
13 IN OKLAHOMA CITY, OKLAHOMA
14 ON SEPTEMBER 19, 2019
15
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17
18

19 REPORTED BY: KAREN B. JOHNSON, CSR
20
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METROPOLITAN BUILDING
400 North Walker, Suite 160
Oklahoma City, OK 73102
405-235-4106

MID-CONTINENT TOWER
401 South Boston, Suite 310
Tulsa, OK 74103
918-599-0507

depo@drreporting.com

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Johnny Kuhlman

September 19, 2019

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1 Certain -- certain cases, no, certain cases, yes,
2 depending on it, a case at some point still needs to
3 be completed, regardless of where you're at in an
4 investigation.

5 Q Walk me through that process of
6 completion, what needs to happen to complete a case
7 on that basis?

8 A Once again, it depends on what kind of
9 case you're talking about. It may be something as
10 simple as completing your reports and closing it and
11 submitting it to a lieutenant or there may still be
12 interviews that needs to be conducted prior to
13 wrapping it up.

14 Q Okay. Fair to say that even with the
15 refusal to prosecute Form B in there, there still
16 could have been an interview with Officer Sellers;
17 correct?

18 A Could there have been?

19 Q Yes.

20 A I suppose.

21 Q There could have been an interview with
22 Officer Daniel Holtzclaw; correct?

23 A I suppose.

24 Q Did you ever have the opportunity to order
25 these detectives to have an interview with Daniel

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1 Holtzclaw?

2 A Did I ever order them to?

3 Q Right.

4 A No.

5 Q Around the time that you learned of this
6 refusal to prosecute form, why didn't you order them
7 to interview Daniel Holtzclaw?

8 A Once again, at that time, remember, look
9 back on what we knew at that date, which was
10 Ms. Morris was still alleging that it occurred a
11 couple of days prior to the phone call and she's
12 alleging that it occurred at the City Rescue
13 Mission, which neither one of those areas or time
14 frames put Holtzclaw or Sellers with her, so, you
15 know, based on that, I don't even recall what
16 description she gave. I mean, any officer in the
17 Oklahoma City Police Department or -- or an impostor
18 or any other police department could also have been
19 interviewed and asked the same question, we had
20 nothing to corroborate who -- who it might have
21 been.

22 Q Fair to say that you didn't have any
23 information suggesting that there was an impostor
24 that had met with Terri Morris in May of 2014;
25 correct?

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1 MR. SMITH: Object to the form.

2 THE WITNESS: Well, I don't know that
3 that's fair to say that, because it -- I think on
4 that date, we didn't know who it was.

5 Q (By Mr. Casey) It's also fair to say that
6 sometimes sexual assault victims can have bad
7 memories; is that correct?

8 A We all can have bad memories.

9 Q But you have some experience in sexual
10 assault investigations; correct?

11 A I never specifically worked in the sex
12 crimes unit, but I've been around sex crimes
13 investigations for a lot of years, yes, sir.

14 Q You understand that at times a sexual
15 assault victim, especially if they're near a loved
16 one or spouse, might not give accurate details
17 during the first rendition; is that correct?

18 MR. SMITH: Object to the form.

19 THE WITNESS: I don't know. I'm not --
20 I'm not sure I follow what you're trying to ask.

21 Q (By Mr. Casey) Well, it's my
22 understanding that it's even depicted in training at
23 times that a sexual assault victim might not be
24 forthcoming about details during an initial approach
25 with an officer, do you disagree with that?

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1 A I don't disagree with that, that sometimes
2 victims may need more -- a second interview or more
3 prompting or -- or maybe there's just a general fear
4 or an embarrassment of having to report a crime, I
5 don't disagree with that.

6 Q Okay. And there's nothing that would have
7 stopped you from checking with Officer Sellers and
8 Officer Holtzclaw to see about the interactions they
9 did have with Terri Morris during that time?

10 A Well, once again, you know, as a police
11 department, we generally have more than this before
12 we start going to talk to people that would fall in
13 the category of being a suspect. I mean, I -- I
14 suppose we could have interviewed hundreds of
15 policemen, everybody that was working that night in
16 the city, of course, her dates were wrong, so I
17 don't know that would have done us any good. I
18 guess we could have interviewed every policeman on
19 the police department and ask them if they had
20 interaction with -- with Ms. Morris and what
21 happened.

22 Q Fair to say that hundreds of police
23 officers didn't have a documented interaction with
24 Terri Morris on that day or even in the month of
25 May; correct?

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1 MR. SMITH: Object to the form.

2 THE WITNESS: Well, once again, we don't
3 know.

4 Q (By Mr. Casey) Because I understand you
5 could have walked door to door and talked to
6 literally every person in Oklahoma City as a
7 possibility, but at some point, we do use clues to
8 try to wind down the list of suspects, you would
9 agree with me on that?

10 MR. SMITH: Object to the statement.

11 THE WITNESS: I would agree, however, let
12 me -- let me reiterate that, we also don't use a
13 fishing expedition to just go talk to people.

14 Q (By Mr. Casey) Right.

15 A I mean, you know, when your victim says it
16 was this time period and this location, well, I
17 mean, that's what we need to focus on, and just
18 because someone had interaction with her three weeks
19 before, three months before, I mean -- I mean,
20 it's -- it's -- we need to focus on this area
21 because at that point, you know, once again, we
22 can't look at hindsight. I mean, maybe there was
23 another officer that was there or from another
24 department or an impostor or who knows what, so
25 that's what we've got to focus on because that's