

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

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19 REPORTED BY: KAREN B. JOHNSON, CSR

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1 said maybe Indian, it was a darker tan color, I
2 believe Morris said.

3 Q Okay. Do you believe Daniel Holtzclaw was
4 dark skinned?

5 A I think what she was in reference to was a
6 description, which I get a lot of people's
7 description on what dark would be. As far as me,
8 no, I mean, I've heard him described as Asian to
9 Italian to -- I mean, there's been a lot of
10 descriptions, so I wouldn't say he's dark.

11 Q My question, though, is, yeah, my question
12 is, she said, I think we agreed, that the person
13 that assaulted her was a dark-skinned person --

14 MR. SOLOMON-SIMMONS: Object to form.

15 Q (By Mr. Johnson) -- and does that, that
16 component of the identification fit Daniel
17 Holtzclaw?

18 MR. SOLOMON-SIMMONS: Same objection.

19 THE WITNESS: I feel like the way Terri
20 was describing it of how I took it on each of those
21 times, yes, I do feel like she was describing Daniel
22 Holtzclaw, that was her description.

23 Q (By Mr. Johnson) Okay. So you believe --
24 so you believe he was dark skinned?

25 A I don't believe that he was like really

1 dark skinned, no, I feel like that he has a -- a
2 tone to him, like I'm pasty white, so he's darker
3 than me.

4 Q Okay. But I'm just saying just with
5 regard to Terri Morris, we all agree she said, my
6 attacker was dark skinned, and my question is, does
7 that description fit Daniel Holtzclaw or does it
8 not?

9 MR. SOLOMON-SIMMONS: Object to form.

10 THE WITNESS: For her, I believe it did.

11 Q (By Mr. Johnson) Okay. She also said
12 something about the car Daniel Holtzclaw was in;
13 correct?

14 A Yes.

15 Q Old or new police car?

16 A Yes.

17 Q And she said -- she described that he was
18 in an old police car; correct?

19 A Yes.

20 Q Because she said it was a black and white
21 police car and that is a description of the older
22 police car; correct?

23 A Yes.

24 Q And, in fact, Daniel Holtzclaw, if he did
25 it, would have been in the newer black police car;

1 Q Were you present when Terri Morris pointed
2 out Holtzclaw in a lineup?

3 A I was several yards away, we usually bring
4 in somebody else that's not familiar with the case,
5 so they can show the lineup, so it wouldn't be
6 skewed, you know, pick out this person.

7 Q Do you know who that was in this case?

8 A Yeah, his name is --

9 Q Do you know?

10 A Yes, it's Danny Higginbottom, he's another
11 detective in assaults.

12 Q Okay. Okay. Was that a lineup of real
13 people or a photo array?

14 MR. SMITH: Object to the form. You can
15 answer if you understand it.

16 THE WITNESS: Yeah, rephrase that.

17 Q (By Mr. Johnson) I'm sorry, describe the
18 makeup, was the lineup photographs or people or
19 what?

20 A They were photographs of people.

21 Q Okay. Okay. Was Sergeant Sellers in the
22 lineup?

23 A I want to say he was, it's been a long
24 time since I saw that. I -- what I remember about
25 the lineup is this, originally, I know Lieutenant

1 Muzny had put together a lineup, and I wanted to
2 show Terri the lineup the first time I talked with
3 her, but she refused to even look. That lineup was
4 used, I believe it's going to be the same one, it
5 was used on the second time, gave the lineup to
6 Detective Higginbottom, I stepped away, he shows her
7 the lineup. During that time and because of the
8 process, we knew that the last two people that --
9 the police officers would have been like Jeff
10 Sellers and Daniel Holtzclaw, the other four people
11 in a six person lineup, they were random officers.

12 Q Okay. And can you describe what you
13 recall about Terri picking out Daniel Holtzclaw,
14 anything you remember?

15 A Well, just going off of what Higginbottom
16 relayed to me, she said initial -- initially picked
17 out Holtzclaw, but she also made a comment, there
18 was a Officer Dutton, just a random officer we
19 picked out, and she said that it was his hair, that
20 it was like the dark color that she recalled. In
21 the photo lineup we explain --

22 Q In fact --

23 A We explain to them, you know, don't pay
24 attention to hair, you know, hair length,
25 everything, photographs change from what they, you

1 Q Do you -- do you know whether or not the
2 jury found Holtzclaw guilty of any crimes against
3 Hill?

4 A If she -- yeah, he was acquitted on all
5 the Hill's charges.

6 Q And do you disagree with the jury's
7 finding on that?

8 MR. SMITH: Object to the form.

9 THE WITNESS: Do I disagree? Yes.

10 Q (By Mr. Johnson) Yeah.

11 A I feel like Shardayreon Hill was
12 assaulted.

13 Q So you disagree with the jury?

14 MR. SMITH: Object to the form.

15 THE WITNESS: I mean, I don't want to say
16 I -- I'm just saying I -- I think she was assaulted.
17 I -- I do believe her.

18 Q (By Mr. Johnson) How about Terri Morris,
19 do you recall what the jury's verdict on that was?

20 A She was acquitted -- he was acquitted.

21 Q Do you disagree with the jury -- do you
22 disagree on -- on that?

23 MR. SMITH: Object to the form.

24 THE WITNESS: All -- all the women that I
25 spoke with, I believed that they were all assaulted

1 by Holtzclaw.

2 Q (By Mr. Johnson) Who is Detective Jake
3 McClain?

4 A He is a robbery detective.

5 Q Was he involved in the Holtzclaw case?

6 A No. Seemed like there was an issue -- I
7 asked him, he's kind of a techy, and I had a
8 question about a Facebook question, and he was able
9 to help me on something, but that was the only
10 thing, it was just a technical deal, but as far as
11 investigation, he wasn't involved.

12 Q What did he help -- what did he help you
13 with?

14 A I don't remember. I want to say it was
15 something over Facebook or something, I can't
16 remember, I mean, that part's been a long time ago.
17 But there was something involving a computer, social
18 media, or something, that I had a question on, how
19 to pull something up, but it was in reference to the
20 Holtzclaw trial.

21 Q Okay.

22 A I just needed some help.

23 Q Do you recall if he made any public
24 statements about the case?

25 A I know that he got into it with that --

1 Q When you met with Ms. Morris the first
2 time was June 3rd; is that correct?

3 A That's correct.

4 Q And you had a photo lineup at that time;
5 correct?

6 A I did.

7 Q And who put together that photo lineup,
8 you did; correct?

9 A Muzny, Muzny put it together around that
10 time, because we normally, like I said, we usually
11 bring in somebody else. Now, with how Terri was
12 acting, I mean, she didn't want to talk to any
13 officer, so even on that one, I was going to just
14 show her the lineup, either which way, just to get
15 something out of her, because I felt like out of
16 anybody on our department at that time, it -- I was
17 trying to gain the most rapport. I offered a female
18 detective to come in, she said, no, anything like
19 that, she said she had any information, she would
20 give it to me, so I approached her about that
21 lineup, she just wouldn't look.

22 Q All right. But the lineup was put
23 together, and did you have opportunity to look at
24 the lineup before you tried to present it to
25 Ms. Morris?

1 like that. Now, as far as like being a police
2 officer, she felt safer, I know when I talked to her
3 on the third time, but I think she would have signed
4 the refusal. She just didn't have the mental
5 stability to go through a sexual assault
6 investigation, I -- I really felt that way about
7 Terri, so it didn't matter officer or not with her.

8 Q So if I understand your testimony, when
9 Terri signed that refusal to prosecute on the 3rd of
10 June, 2014, nothing else was done related to finding
11 her potential assailant until after June 18th; is
12 that correct?

13 A Yeah, we had no victim.

14 Q Is that normal practice, that if the
15 victim says, I don't want to participate anymore on
16 a rape, potential rape, that you just stop
17 investigating, is that how it normally works?

18 A Right, you -- you have to have a victim.
19 It's not like domestic violence, okay, with a victim
20 of sexual assault, if they don't want to go through
21 with investigation, then we will not -- the D.A.'s
22 office, no one will take charges, you have to have
23 them be able to go through with the charges.

24 Q What about from an administrative
25 department level, there wouldn't be any mechanism to

1 one time for a short period. And they all said they
2 didn't see anything, nothing big, I mean, they
3 really didn't have much to say about him.

4 Q What did Arthur Gregory, his supervisor,
5 what did he -- what did he say about Daniel
6 Holtzclaw when you interviewed him?

7 A He didn't really say a whole lot about
8 him. He was a loner. He spoke with the troops.

9 Q He spoke with the troops?

10 A Yeah, like the -- he would interact with
11 them, talk with them, but he was still a loner, and
12 that's kind of what we saw out there with all these
13 stops and everything that he did over time. He
14 would do -- he would go work mainly on his own.

15 Like when I was on the streets, I had a
16 crew, we ran around together, things like that. He
17 wasn't that type of guy. He was more of a I want --
18 he's going to go off, do his own thing, traffic
19 stops, go to jail on his own, that type of guy, so
20 that type of officer.

21 Q So Arthur Gregory said he was a loner, he
22 spoke to the troops, and what else did Arthur
23 Gregory say about Daniel Holtzclaw?

24 A He said he didn't have any complaints from
25 females. He said once in a while, you know, maybe

1 he might have a complaint from like a gangbanger or
2 something like that or somebody, but never a female,
3 it wasn't -- he really didn't hardly have any
4 complaints to say about him.

5 Q Can you think of anything else that Arthur
6 Gregory, Lieutenant Gregory, said about -- said to
7 you about Daniel Holtzclaw during your
8 conversations? Did you specifically ask him did he
9 have complaints from females?

10 A Uh-huh.

11 Q Is that a yes?

12 A Yes.

13 Q And Lieutenant Gregory said no?

14 A Correct.

15 Q Would it have made a difference to you if
16 Detective -- Officer Holtzclaw had a complaint from
17 females?

18 A Of course, I'd like to know what type of
19 complaint, if it's a sexual complaint, I would have
20 went and, of course, talked to that female. That's
21 kind of what the basis was, but he said he didn't
22 have anything, so.

23 Q What about any complaints from individuals
24 saying that Officer Holtzclaw placed them in the car
25 and drive them around for no apparent reason?

1 female individuals he had arrested or taken in
2 custody who were females without calling and giving
3 the proper notification to dispatch?

4 A Well, yeah, I mean, these women, that was
5 commonplace among these 11, I mean, of doing stuff
6 like that here and there, depends on the victim, he
7 would do that.

8 Q While you were investigating Officer
9 Holtzclaw, if you had had a -- if you had known
10 about that sort of complaint of driving a female in
11 the car alone without providing proper notification
12 to dispatch, would that have concerned you?

13 A Yes, I would have wanted to talk to her.

14 Q Why?

15 A For that simple reason of just it's a
16 female, we have all these victims, obviously, and
17 I'd want to -- I'd want to hear her version of the
18 story, I mean, did she think something else is going
19 to go on, you know, was she afraid, did he tell her
20 what he was doing. See, not every time, not
21 everything Holtzclaw was doing was a sexual act, it
22 wasn't -- every traffic stop wasn't a rape, anything
23 like that. It was the opportunity.

24 Now, in listening to a female talk about
25 that, I would perk up to that because that's

1 something I would want to know, is it one of those
2 situations or maybe it was a misunderstanding, I --
3 I don't know. I wouldn't know until I talked with
4 her, but I would want to talk with her.

5 Q What do you mean when you say it's a
6 opportunity?

7 A He -- okay, so like with Terri, the
8 opportunity for him to assault her, he drives her
9 around the corner, he had the opportunity to hold
10 the whole crack pipe thing over her head, thinking
11 she's going to go to jail, and then he takes
12 advantage of her, and he -- he rapes her, you know.

13 With Shardayreon Hill, you know, he's
14 alone in a room with her, yeah, she's high, she's
15 desperate, she wants out of the charges, he assaults
16 her. He starts stalking her on Facebook, she knows
17 that she wants out of trouble, he goes to her house,
18 he whips out his penis, he's wanting sexual favors
19 to get out, he's looking for opportunity.

20 With Tabitha Barnes, he's holding those
21 tickets over her head and he wants sexual favors, he
22 wants to see her breasts, he wants to touch her
23 breasts, he is basically harassing her, going in her
24 house, I mean, it's just -- it's a -- he was a power
25 rapist, that's what he was.

1 Q And in your experience, did you consider
2 that Holtzclaw was escalating his activities and his
3 boldness with each passing victim?

4 A Oh, hands down. So with the way like Kim
5 and I split, calling up all the women, okay, I took
6 the early part of, you know, '13 and '14. Kim had
7 the last part. You could tell the progression and
8 that's what we see with predators, anyway, they get
9 comfortable, so Kim had more victims because there
10 at the end, she had that last part, he was ramping
11 it up, just like that last night, there was three
12 victims.

13 Q And in your experience, do rapists
14 sometimes start off with just violence, non-sexual,
15 and it just continues to grow? You used the term
16 "power rapist."

17 A Well, that's kind of two different
18 questions there.

19 Q Absolutely. My question is, in your
20 experience, have you seen rapists start off abusing
21 women just physically and then escalating to other
22 sexual assaults, et cetera?

23 A A lot of the time, and most of the time,
24 it just doesn't go straight to rape. It could be a
25 sexual battery, you know, grabbing their buttocks,

1 maybe just --

2 Q Pressing his -- pressing his penis against
3 her back side?

4 A Yes, uh-huh. You know, it could be a
5 peeping tom, however it is, and then they just --
6 they want the bigger thrill or however it is. Some
7 guys escalate faster than others, and in this one,
8 we really saw it within that time period, I mean, he
9 really ramped it up. And some guys can be a peeping
10 tom for years and years and years and they might
11 just kind of hover around there. But a lot of them,
12 if they feel more comfortable, they'll just push the
13 issue, rapists, child molesters, same thing.

14 Q What causes individuals like Daniel
15 Holtzclaw, rapists, to feel more comfortable, to
16 feel like, oh, I can do more now than I did last
17 time?

18 A Because they got by with it, that's the
19 deal. They feel more boldened, you know, they got
20 by with it, I'm going to push the issue this time,
21 oh, I get a bigger high on this one, you know, they
22 just keep on going.

23 MR. SMITH: Are you getting close to a
24 wrap-up point?

25 MR. SOLOMON-SIMMONS: No, sir.