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IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY,
STATE OF OKLAHOMA

COPY

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

CASE NO.: CF-2014-5869

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

MAR 16 2016

**TIM RHODES
COURT CLERK**

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE **4TH DAY OF NOVEMBER, 2015,**

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

RECEIVED

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msm **MAY 26 2016**

VOLUME III OF XVIII

ATTORNEY GENERAL

**FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA**

MAY 26 2016

**MICHAEL S. RICHIE
CLERK**

REPORTED BY: Kristin L. Taylor, RPR

389-796

1 (With all parties present, the following
2 proceedings were had in court in the
3 presence of the jury.)

4 THE COURT: Good morning, ladies and gentlemen.
5 Let the record reflect that all members of the jury are
6 present. Counsel for the State are present, counsel for the
7 defendant, the defendant is present.

8 Mr. Gieger, you can call your witness back to the
9 stand.

10 MR. GIEGER: Thank you, your Honor.

11 THE COURT: All right. Ms. Ligons, let me remind
12 you you're still under oath. If you'll go ahead and have a
13 seat in the chair. Just like yesterday, if you'll pull that
14 microphone right around in front of you.

15 Mr. Gieger, you may proceed.

16 MR. GIEGER: Thank you, your Honor.

17 DIRECT EXAMINATION CONTINUED

18 Q (By Mr. Gieger) Ms. Ligons, whenever we left off
19 yesterday I think you had talked about essentially the
20 traffic stop had occurred at very close to the intersection
21 of 50th and Lincoln; correct?

22 A Correct.

23 Q And I think you had told me that you had been placed in
24 the back seat of the patrol car with the door shut and the
25 officer had gone and was doing something in the front of

1 your car?

2 A Correct.

3 Q Okay. And I also believe that you told me that you
4 assumed he was looking through your stuff because when you
5 got back into your car eventually when this was over things
6 had been moved around; is that right?

7 A Yes, sir.

8 Q Ma'am, about how long if you can estimate for me do you
9 think you sat in the back of the police car while the
10 officer was doing whatever it is he was doing in your car?

11 A About two minutes.

12 Q Not very long?

13 A No, not very long.

14 Q Okay. What happened after he finished whatever he was
15 doing in your car? What do you remember happening next?

16 A He came back to his car and opened up the door where I
17 was at on the passenger side.

18 Q Okay. And if I recall, and correct me if I'm wrong, I
19 think you told us last night you were on -- in the back seat
20 of the patrol car but on the passenger side of the car; is
21 that right?

22 A Correct.

23 Q What happened?

24 A Well, when he opened up the car door he said to me --
25 he said: How do I know you don't have anything in your bra?

1 I say: Sir, I don't. And so I start fidgeting with my bra.
2 The motions I did was like this. I started fidgeting with
3 my bra. And he said: I can't tell like that. I said:
4 What, you want me to raise my blouse up? And he said yes.
5 So I raised my blouse up. And then I guess it wasn't -- I
6 say: What, you want me to raise my bra up too? And he said
7 yes. I raise my bra up. He took his flashlight and started
8 shining it on my chest and I put my blouse down real fast.

9 Q So, ma'am, as you've described that, are you telling
10 the jury that your breasts were actually exposed at this
11 point?

12 A Yes, sir, they were.

13 Q Why did you do that?

14 A Because he axed (sic) me to. And I was afraid.
15 Because I couldn't see him doing anything like that and just
16 let me get away with it. I didn't even understand it.

17 Q He came back and this conversation was basically -- he
18 opened the door and that was the subject of the
19 conversation?

20 A Yes. He say: How do I know you don't have any -- and
21 say: How do I know you don't have anything in your bra?
22 And I demonstrated him that I didn't. He said he couldn't
23 tell like that. Then he wanted me to lift up my -- my
24 blouse.

25 Q Did you -- at first did you just comply or did you

1 protest in my way to him? Did you say: I don't want to do
2 that?

3 A At that point I didn't, sir. I just say: Why, you
4 want me to lift up my blouse? He said yes. I just -- I
5 just lift it up. I was afraid for my life. I just -- I
6 just did what he said.

7 Q Why were you afraid for your life?

8 A Because he was a police officer. And I don't know why
9 he stopped me. And then he had that gun. I can see -- I
10 see so much innocent people getting killed for no reason and
11 I was just doing whatever he said.

12 Q All right. So you lift up your shirt first, your
13 blouse?

14 A Yes, sir.

15 Q And after your lifted up your blouse did you say:
16 See -- I mean, help me understand how you went from just
17 lifting your blouse to then lifting your bra as well.

18 A Okay. First I started doing this. And he said: I
19 can't tell like that. I say: What, you want me lift up my
20 blouse? And he said yes. So I lift up my blouse, and I
21 say: You lift my bra too? And that's what I did. He say
22 yes. I lift up my bra real quickly and I put it back down.
23 He took a flashlight and shined it on my chest and so I put
24 my blouse down -- everything really fast.

25 Q What were you thinking at this point?

1 A I was just -- I was just afraid for my life. I was
2 just lost because I couldn't understand.

3 Q Was it -- was it so dark in the back of the police car
4 that he needed to use his flashlight?

5 A No, sir. No.

6 Q Is there anything about him using the flashlight that
7 concerned you or is it -- I know you remember that detail,
8 but, I mean, does that surprise you or did it have anything
9 to do with it?

10 A It surprised me that he would do that.

11 Q And that caused you to pull your shirt down real fast?

12 A Yes, because I was exposing myself. And I just -- I
13 put it down really fast.

14 Q What happened next?

15 A He said: How do I know you don't have anything in your
16 pants. And I say: Sir, I don't have anything in my pants.
17 And I was, like, feeling my pants. He said he can't tell
18 like that. And so --

19 Q You said you started feeling your pants?

20 A Yeah, like, I didn't have nothing in my pockets or
21 anything.

22 Q Okay. So you're still sitting in the police car?

23 A Uh-huh, I'm still sitting there.

24 Q Show me how you started -- if you -- if you can, show
25 me how you were feeling your pants.

1 A I'm just saying I don't have anything in my pockets. I
2 just started doing things like that (indicating).

3 Q You're motioning like this --

4 A Yeah.

5 Q -- where you're pulling --

6 What kind of pants were you wearing?

7 A Blue jeans.

8 Q Blue jeans.

9 Okay. Were they similar to the ones -- the ones
10 you have on today --

11 A No.

12 Q -- kind of snug fitting. What were they like? Were
13 they like that?

14 A They wasn't really snug fitting at all.

15 Q Okay. But you were kind of lifting them like this
16 (indicating)?

17 A Uh-huh.

18 Q Okay.

19 A Correct. Yes, sir.

20 Q What did he -- did he say or do anything after you did
21 that?

22 A He told me to -- after he did that he told me to get
23 out the car. And he wanted -- I guess he wanted -- he
24 wanted to check my pants. So he wanted me to stand up to
25 make sure I didn't have anything in my pants.

1 Q Ms. Ligons, I want to stop right there for a minute
2 just as you're getting out of the car. I want to back up
3 and ask you about something you said yesterday.

4 A Okay.

5 Q Yesterday you said that whenever he first stopped you
6 and had you come out and put --

7 A Correct.

8 Q -- your hands on the car.

9 A Uh-huh.

10 Q You told me that he pat searched you.

11 A Right, he did.

12 Q Okay. And maybe I didn't -- I want to make sure that I
13 remember exactly what you told me. You motioned as you were
14 sitting there yesterday. When he pat searched you was he
15 touching you on the sides of your body or was he touching
16 you somewhere else?

17 A Just on the side of my body, like a usual pat search.

18 Q Okay. When he got down to your jeans did he feel in
19 your pocket area or not?

20 A He did.

21 Q So it went basically down just like this (indicating)?

22 A Yes, like a pat search.

23 Q Didn't take long?

24 A No.

25 Q All right. Now pick up where we left off. He's now

1 asked you to stand up so you stand up right outside the
2 passenger -- the rear passenger door?

3 A Yes, sir, I did.

4 Q Are you -- is the door still open or had you stepped
5 away from the car?

6 A When I stepped out of the car the door was still open.

7 Q Okay. So essentially if this was the back seat
8 passenger but you're stepped out and the door's still right
9 here (indicating)?

10 A Door's still right there.

11 Q What happens?

12 A He standing, like, blocking the door on -- when I --
13 when I got out. Then when I got out he moved back. Then he
14 axed (sic) me to pull my pants down. And at this -- at this
15 time -- well, I'm -- I'm a rephrase that. I'm a back that
16 up. I'm sorry. Before I got out the car I say: Sir,
17 you're not supposed to do that. You're not 'posed to do
18 that, sir. I was doing my hands like this (indicating). I
19 was so afraid. I say: Sir, you're not 'posed to do this to
20 me. You're not 'posed to do this, sir. You know, I said --
21 I said: I'm a 57-year-old grandma, I have 12 grandkids.
22 I'm like, why you doing this?

23 Q So you start to vocalize --

24 A Yes.

25 Q -- protest what's --

1 A Yes.

2 Q -- what's happening to you?

3 What does -- does he respond to you in any way?

4 A No, he doesn't respond.

5 Q What happens -- so as you're doing this and you're
6 saying what you're saying, what -- is that when he directs
7 you to pull your pants down or does something else happen?

8 A No, he directs to -- I get out the -- I got out the
9 car.

10 Q Okay. Take me through it.

11 A I got out the car. When I got out the car I stood
12 there. And I'm standing there. I'm like: What, sir, you
13 want me to pull my pants down? And he said yes. And I'm
14 like -- in my mind he's not supposed to do this to me. He
15 not 'posed to pull my pants down, you know. So I pulls my
16 pants down to my knees. I pull my pants to my knees. I got
17 on black underwear. When I pull them to my knee he took his
18 flashlight and I was doing like this (indicating), he
19 started shining his flashlight between my legs and I took my
20 pants and I pulled them back up real fast. And that's when
21 I got back in the car. When I was getting back in the car
22 he turned around --

23 Q Stop for just a minute. I don't mean to be
24 embarrassing to you, but whenever you pulled your pants down
25 did you have to unsnap them and unzip them or did they have

1 a zipper?

2 A Yeah, I -- I unsnapped them.

3 Q So you went through that motion?

4 A Yeah, unfastened them.

5 Q You pulled them down?

6 A Uh-huh.

7 Q And you may have said it, ma'am, you're talking pretty
8 fast.

9 A I talk fast. I'm so sorry.

10 Q No, if I didn't catch it is what I mean.

11 A Okay.

12 Q When you pulled your pants down were you wearing
13 underwear?

14 A Yes, sir.

15 Q What -- can you describe the underwear for me?

16 A They was black.

17 Q Okay. What style of underwear? What I mean is just
18 regular panties, thong, are they long, are they short?

19 A No, they was -- they was long. Actually they was like
20 girdle panties. They came, like, up to here because I have
21 a big stomach sometime I wear those to -- my stomach. They
22 were -- they were long. They were big. They came up to
23 here like now. They long. Come up to here.

24 Q And I'm not trying to embarrass you, ma'am. So you
25 still had your panties on?

1 A Yes, sir.

2 Q When you pulled your pants down?

3 A Yes, sir.

4 Q Okay. Then you -- then you -- how long were they down?

5 A Not long at all. I pulled them up very quick. Long
6 enough for him to shine the lights between my legs and the
7 flash -- with the flashlight.

8 Q He did the flashlight again?

9 A No, he only did it once between my legs, but it was --

10 Q That's what I mean. He used the flashlight when you
11 pulled your pants down as well?

12 A Yes, sir, he did.

13 Q Not very long then you pulled them back up?

14 A I pulled them back up.

15 Q Now, I interrupted you. What happens after that?

16 A Okay. By then he want me get back into the car. I get
17 back into the -- on the way back in -- the process of
18 getting back in the car he turned and he said -- his exact
19 words -- he say: Damn, you have a big ass. And I say: Oh,
20 my God, I know this not the police officer saying this to
21 my. I say: Oh, my God, he's gonna (sic) kill me.

22 Q That's what you were thinking?

23 A Yes, to myself, say: He gonna (sic) kill me for saying
24 these things to me.

25 Q You remember him saying those words to you?

1 A Exactly. I could -- I never forget them long as I
2 live.

3 Q What happened next?

4 A When I -- when I -- when I got back in the car and
5 after he said that he was -- he was -- he was holding
6 himself, you know? He was -- he was holding himself.

7 Q Describe it. You said "you know." What was he -- what
8 do you mean? What was he doing?

9 A He was holding his penis. He was holding his penis.

10 Q Was his penis out at this point?

11 A No. No. He was just -- he was just --

12 Q So he had his hand on his --

13 A Uh-huh.

14 Q -- private area over his pants?

15 A Correct, over his private area.

16 Q I don't know that I asked you, was he dressed in a
17 police uniform?

18 A Of course.

19 Q Okay. Did he have a belt on --

20 A Yes.

21 Q -- like police have?

22 A Yes, sir.

23 Q You mentioned a little earlier in your testimony that
24 you saw the gun and that was one of the reasons you were in
25 fear for your life.

1 A Yes, I saw the gun on his right -- on his right side
2 right here. And his name badge was right above it right
3 there. It was silver name badge and his gun was right
4 there.

5 Q Did you read his name badge?

6 A No, I was afraid to look up at his name. I said: If I
7 see his name, I say, he sure gonna kill me if I know what
8 his name is.

9 Q You were thinking that or you were saying that?

10 A No, I was thinking that out to myself. I said: If I
11 look at his name badge he's gonna kill me. That's what I'm
12 thinking to myself. I tried not to even look at his name,
13 which I didn't.

14 Q Ms. Ligons, you said he put you back in the car after
15 you had pulled your pants down. Has he shut the door back
16 in or -- is the door shut now or is the door still open?

17 A The door's still open.

18 Q Okay. And you see him with his hand as you've
19 described?

20 A Yes, sir.

21 Q What happens next?

22 A Then he said: Come on. I'm like, what? At this point
23 in time he -- he wanted me to I guess -- whatever you
24 call -- whatever you call it. He wanted me to give him
25 some -- some oral sex. So about this point --

1 Q How do you know that?

2 A Because he unzipped his pants and took it out, yes.

3 Q So at this point you're sitting in the car, he's still
4 standing outside the open door?

5 A He's still standing outside. He's standing -- he's
6 standing like this with me like this. And he's -- he's --
7 he's in front of me to where I can't get out the car. He's
8 in front of me.

9 Q And, ma'am, you motioned and so that this lady can
10 write down what you're motioning -- in other words, you
11 spread your legs apart and he's standing in between your
12 legs?

13 A I'm not like -- didn't even spread my -- demonstrate, I
14 was on like this. And he had his legs like spread in front
15 of me --

16 Q I see?

17 A -- to where I couldn't get out the car.

18 Q Are your feet on the ground?

19 A My feet are on the ground.

20 Q They're not in the car?

21 A They're not in the car.

22 Q They're outside the car?

23 A They turned around.

24 Q Okay. So you're sitting in the car --

25 A Uh-huh.

1 Q -- but you're facing outside and your feet are outside
2 the car?

3 A Correct.

4 Q He's right in front of you?

5 A He's right in front of me.

6 Q Straddling your legs with his legs?

7 A He's right in front of me.

8 Q How did he expose his penis if you know?

9 A Gosh. He unzipped his pants and he took it out and
10 say: Come on. And I started -- I say: Oh, no, sir, please
11 don't make me. I told him please don't make me do that. I
12 said: Don't make me do that. I said: You gonna -- you
13 gonna shoot me, you gonna kill me. He say: I'm not gonna
14 shoot you. I say: You promise? He said: I promise. So
15 by -- at this point in time a car passed by. And it was,
16 like, a gold SUV. They were turning into that parking lot.
17 And when he see them turn to the parking lot he was standing
18 over me and he took his hand and put it on the top of his
19 police car and watched the car pass by. When the car passed
20 by and then he turned back around and he said come -- he
21 told me to come on.

22 Q Had you put it in your mouth yet?

23 A Not yet but getting ready to.

24 Q Not at that point?

25 A No, but after that I did for a second after that. But

1 I was afraid because when I did I -- I couldn't really do it
2 because I was scared he was gonna kill me. When I -- when I
3 bent down only thing I was looking at that gun on the side.
4 And I say -- I was saying to myself: Dear, Lord, when I
5 bend down he's gonna shoot me in my head. I know he was
6 gonna kill me. I could see him doing that like that. So
7 when I bent down I tried to put it in my mouth. I did
8 briefly for a minute. Then I raised up. I say: Sir, I
9 say, I can't do this. I can't do this. He say -- he say:
10 Come on just for -- just for a little bit. Just for a
11 minute. I say: Oh, no, sir, don't make me do that. He --
12 come on, come on, just for a minute. You know, I'm say: I
13 can't do it. And so he was, like, he ain't got all day. He
14 just got off a work. He was tired.

15 Q He said that to you?

16 A Yes, he said that to me. He say: I just got off work.
17 I'm tired, I don't have all night. He said that to me.

18 Q Okay.

19 A And I tried to do it again. And I just did it for --
20 briefly for a minute. And then he backed up away from me
21 and he let me out the car.

22 Q All right. Ms. Ligons, I want to ask you a couple
23 things about what you just told me, all right?

24 A Okay.

25 Q You described that he exposed his penis to you by

1 unzipping his pants?

2 A Yes, sir.

3 Q Are you telling me that the gun belt and all stayed on
4 and his penis just came out of the fly of his pants?

5 A Yes, he unzipped his -- I don't know how he did it but
6 he unzipped his pants and he pulled out his penis and it was
7 right there. And he tell me to come on.

8 Q And so while you're doing this and your head is in that
9 area of his body --

10 A Uh-huh.

11 Q -- the gun that you've described is right there --

12 A It's right there.

13 Q -- and that's -- you're seeing the gun as well?

14 A Yes, sir. I was looking at it. I was afraid because
15 I'm bending down looking at the gun and he was gonna shoot
16 me with it. I was afraid for my life.

17 Q Did you ever say to him those words: You're going to
18 shoot me?

19 A Yes.

20 Q Or something like that?

21 A Yes, sir. I said it more than one occasion, yes. He
22 say: I'm not --

23 Q What did he say in response?

24 A He say: I'm not gonna shoot you. I'm not gonna shoot
25 you I promise. I say: You promise? He say: I promise.

1 Q And, ma'am, you said it but I want this record to be
2 clear for a variety of reasons. Did his penis actually go
3 inside your mouth?

4 A It did, sir. It went inside my mouth. He didn't
5 ejaculate or nothing because I -- twice, the first time it
6 went inside my mouth was like briefly for a second. And I
7 lift up real fast; say, no, sir, I couldn't do that. And he
8 said: Come on, just a little bit. He got off work, he
9 don't have all -- all night. He just got off a work. I
10 tried for another few seconds. I just couldn't do it. I
11 just say: No, sir, I just can't do that.

12 Q All right. One minute please.

13 After this back and forth about I can't do it,
14 what you've already said.

15 A Uh-huh.

16 Q Is it at that point that -- how does it come to an end
17 exactly?

18 A He just kinda saw how afraid I was and begging for my
19 life and just -- just saw I just wasn't the type of woman I
20 guess he thought I -- I was that would do something like
21 that too.

22 Q Hang on. Don't speculate as to what he's thinking.

23 A Okay. Because I don't know what he's thinking.

24 Q Just tell me -- just tell me how it came to an end.

25 A Okay. How it came to a end. He backed up, he put his

1 penis in.

2 Q Put his penis up in his pants?

3 A Uh-huh. And then he backed up and I got up. And I was
4 just saying -- as I was walking away I was saying to myself
5 I just thought he was gonna shoot me in the back or
6 something. I didn't know what he was gonna do. So I just
7 saying: Oh, thank you. Thank you, sir. Thank you for not
8 taking me to jail. He say: Okay. I'm gonna follow you to
9 your daughter's house.

10 Q He said I'm going to follow you to your daughter's
11 house?

12 A Yes, sir. I say -- I say: Fine. I said: Okay. You
13 follow me to my daughter's house. So he gets in his car, I
14 gets in mines.

15 Q And so that I remember -- and I apologize if I asked
16 you yesterday -- whenever he stopped you had you told him
17 where you were going? And you may have said that yesterday.

18 A I told him I was going to my daughter's house. I did.

19 Q So that's how he knew that?

20 A Yes, I told him I was going to my daughter's house. He
21 knew I was going. He said: Where you -- I said: To my
22 daughter's house. He knew where I was going.

23 Q Okay. So he says I'm going to follow you to your
24 daughter's house?

25 A Yes, sir.

1 Q Rubbed it around on your cheeks?

2 A Uh-huh. Yes, sir.

3 Q Okay. Anything else?

4 A No, that's all she did because that's all he did was
5 with -- was with my -- with his -- my mouth.

6 Q After you -- let me ask this question: Can you
7 estimate for me the time -- from the time that this assault
8 occurred when you were on that traffic stop with the
9 officer, how much time did it take you to drive home, tell
10 your family, go back to Springlake and then find these
11 officers and eventually get transported to the hospital?
12 Which hospital was it that you got transported to, if you
13 remember?

14 A Southwest Integris I do believe.

15 Q Back on the south side of Oklahoma City?

16 A That's where they took me.

17 Q How much time went on from the time that this police
18 officer's penis was in your mouth until they did that swab?

19 A I'd say within hour, hour and a half, tops.

20 Q Hour, hour and a half?

21 A Yes, sir.

22 Q Okay. Ms. Ligons, do you see the police officer who
23 did those things to you and put his penis in your mouth in
24 this courtroom?

25 A I do, sir.

1 Q Okay. Can you describe where he is sitting and what he
2 is wearing?

3 A He's sitting on the end right there with that black
4 suit with that blue and white tie on with that white shirt.

5 MR. GIEGER: Ask the record to reflect
6 identification, your Honor.

7 THE COURT: All right. Record will reflect
8 identification of the defendant by this witness.

9 Q (By Mr. Gieger) Ms. Ligons, during that conversation
10 with the other police officer when you were telling them
11 what happened, do you remember describing what the officer
12 looked like to that police officer?

13 A I did.

14 Q Okay. Do you remember telling him about hair color?

15 A I did. And I did say his hair was blond.

16 Q Why did you say that?

17 A Because I was afraid and his lights was shining, you
18 know, those lights was going and --

19 Q You mean -- not the flashlight.

20 A No, his --

21 Q You're talking about the lights on the police car?

22 A The police car was shining. And that was just my --
23 just trying to look up and the lights from the white and the
24 red and just kind of looking up at -- I didn't try to look
25 at his face too much but I -- with his hair, but I saw his

