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IN THE DISTRICT COURT OF OKLAHOMA COUNTY

JUN 11 2015

STATE OF OKLAHOMA

TIM RHODES  
COURT CLERK

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

46 \_\_\_\_\_

Case No. CF-2014-5869

COPY

\* \* \* \* \*

VOLUME I OF II

SEVENTH JUDICIAL DISTRICT OF OKLAHOMA

TRANSCRIPT OF PRELIMINARY HEARING

HAD ON THE

17TH DAY OF NOVEMBER, 2014

BEFORE THE HONORABLE D. FRED DOAK

SPECIAL JUDGE

\* \* \* \* \*

RECEIVED

REPORTED BY:

MJM MAY 26 2016

Pamela J. Goold, CSR, RPR  
Official Court Reporter  
Oklahoma County Courthouse  
Oklahoma City, Oklahoma 73102  
(405) 713-2354

ATTORNEY GENERAL

FILED  
IN COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE  
CLERK

1-303

1 stretch our legs? Is that all right with the defendant?

2 MR. ADAMS: Yes, Your Honor.

3 THE COURT: We'll be in recess, let's say until  
4 11:00 by that clock.

5 (Whereupon, a brief recess was had; after which the  
6 following further proceedings resumed:)

7 THE COURT: State may call its next witness.

8 MR. GIEGER: Your Honor, I call Carla Johnson.

9 THE COURT: Ma'am, step on over here by the  
10 bench, please. Right here will be fine.

11 (Witness sworn.)

12 THE COURT: Have a seat there in the witness  
13 chair if you would, please, ma'am. Sit where you can be  
14 comfortable facing out toward the lectern that's where  
15 the attorneys will stand to ask you some questions.

16 The microphone here in front of you, you can just  
17 pull up closer to your face and you can sit back and  
18 relax. You don't have to lean into it. That will wear  
19 you out after awhile. If you'll pull it a little closer  
20 and we may move it around some more after we hear how  
21 loud you are. Okay.

22 Would you please tell me your name?

23 THE WITNESS: My name is Carla Esther Johnson.

24 THE COURT: Would you spell your middle name  
25 for me, Ms. Johnson?

1 THE WITNESS: My middle name?

2 THE COURT: Yes, ma'am.

3 THE WITNESS: E-s-t-h-e-r.

4 THE COURT: Thank you.

5 Mr. Gieger, you may inquire.

6 MR. GIEGER: Your Honor, just so you know I  
7 know you said you had a flowchart, but I am going to  
8 inquire about an event that's not pled in your  
9 Information because I believe it may be relevant. So  
10 just so you know I don't want you to --

11 THE COURT: We're talking here about Counts 13  
12 and 14?

13 MR. GIEGER: I am, Your Honor, yes, sir.

14 THE COURT: Okay. You may proceed, sir. Thank  
15 you.

16 CARLA ESTHER JOHNSON,  
17 was called as a witness, after having been first duly  
18 sworn, and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. GIEGER:

21 Q Ms. Johnson, can you please tell me how old are you,  
22 ma'am?

23 A I'm 52 years old.

24 Q All right. Ma'am, if I can I want to turn your  
25 attention back to a time whenever -- well, let me ask it

1 Q After he said I had that money there for a reason,  
2 was that basically the end of your contact with him?  
3 Did he leave you at that point?

4 A Okay. Yes. Got that together and, yes, he left.

5 Q Okay. And you went on your way?

6 A I went on my way to where I was headed to my  
7 friend's.

8 Q All right. Do you remember coming in contact with  
9 this same police officer sometime later?

10 A Yeah, I believe it was about maybe a month, month  
11 and a half after that.

12 Q Okay. And you know that as you've testified before  
13 whenever you came in contact the first time he ran your  
14 name for warrants.

15 A Yes.

16 Q Okay. Well, if I told you that your name was run  
17 again by this officer on the 26th of May of 2014. Does  
18 that sound about right with the time frame? You think --

19 A Pretty much, yes, sir.

20 Q -- about the end of May and specifically, the 26th  
21 day of May, 2014?

22 A Yeah. Yeah, pretty much, yes.

23 Q Okay. Is it the same police officer that stopped  
24 you on that day, ma'am.

25 A Yes, sir.

1 Q Okay. Can you tell me did you recognize his face  
2 and his appearance as the same officer?

3 A Yes, sir.

4 Q Was he driving the same type of car?

5 A Yes, sir.

6 Q What kind of a car was it?

7 A It was one of those newer police cars, you know, not  
8 the black and white one. Just a new black -- black cars.

9 Q And that's what I wanted to ask you. You know,  
10 there are some older cars that have black and white.

11 A Yeah.

12 Q But this is one of the all black ones?

13 A Yes. Yes.

14 Q Okay. Well, on May 26th, then, ma'am, were you also  
15 walking or were you doing something else?

16 A I was also walking.

17 Q Do you remember the location that you were walking  
18 on this day?

19 A Yes, I was on 16th and Jordan.

20 Q Okay.

21 A Northeast 16th and Jordan.

22 Q And what was the occasion that took you to that  
23 location? Where why were you at 16th and Jordan?

24 A Okay. Well, I have a cousin that live over off of  
25 16th between Terrace and 16th and Jordan. Terrace and

1 16th and Jordan.

2 Q Were you visiting your cousin?

3 A No. I left -- I left a friend of mine's house that  
4 stays over off of 7th and Lottie. And this was probably  
5 about maybe 2:00 something in the morning, a little after  
6 2:00 in the morning. But any way I left that friend's  
7 house and my cousin on the way there -- my cousin stay on  
8 16th and Terrace and Jordan. So as I'm leaving her place  
9 because she didn't answer. I'm right pretty much close  
10 to the corner of 16th and Jordan when I noticed the  
11 police car turning the corner. And he stopped  
12 immediately because he said he didn't see me he almost  
13 hit me. That's why he stopped.

14 Q Ms. Johnson, you've told me about two different  
15 events where you were walking relatively either very,  
16 very late at night or very early in the morning, correct?

17 A Yeah.

18 Q Is that common for you? Are you out during that  
19 time of day a lot?

20 A Pretty much. I'm always out just all days and  
21 nights, but pretty much late nights because that's --

22 Q That's kind of the way -- is that kind of the way  
23 you live?

24 A Yes.

25 Q All right, ma'am. And so you're walking and this

1 car comes close to you and then he stops and does he say,  
2 "I didn't see you?"

3 A He said, well, you know, I almost hit you. He go,  
4 haven't I stopped you before. Didn't I arrest you? And  
5 I told him, no, he stopped me, but, you know, I didn't  
6 get arrested. So anyway we talked and he puts me once  
7 again in the backseat of his car and he does a radio --  
8 he calls it in, you know. We're talking and he said, he  
9 asked me about drugs being down my pants. Do I have  
10 anything hid on me? Did I just --

11 Q Okay. Time out for just a minute. Whenever he's  
12 asking about that whether he's asking you about if you  
13 have drugs in your pants or anything else, are you still  
14 outside the car?

15 A No, I'm inside. I'm inside the backseat.

16 Q Okay. Did he do this same type of thing that he did  
17 before? In other words, did he have you empty your  
18 pockets? Did you have a purse that night?

19 A No, I didn't have a purse that night, but, no.

20 Q Did you put your stuff on the back or did he just  
21 put you in the back of the car?

22 A He just put me in the backseat of the car this time.

23 Q Are the doors shut?

24 A Yes, the door is shut.

25 Q Then is he in the front seat of the car when he's

1 talking to you?

2 A Yes, sir. Yes, sir.

3 Q Okay. And that's when -- did he call your name in  
4 like he did before?

5 A Yes, sir.

6 Q Okay. And that's when he's starting to ask you  
7 these same types of questions?

8 A Yes, sir.

9 Q Okay. So he's asking if you have anything on you or  
10 that type of thing. Did he say anything else to you?

11 A Yeah, he was asking me, are you sure you didn't just  
12 come from 14th Street, you know, it's like a known drug  
13 area, you know, and I tell him, no. And you don't have  
14 -- but anyway this didn't take -- as long as it did the  
15 first time.

16 Q Do you know if he recognized you?

17 A Well, yeah, he did tell me he did after -- after  
18 talking he said, yeah, now, I remember you, you know,  
19 yeah.

20 Q Okay. How did -- what words if you can remember did  
21 he say about coming in contact with you before? Do you  
22 remember what he said?

23 A I just remember, yeah, I remember stopping you over  
24 -- no, I can't quite remember his exact words.

25 Q Okay. And I understand if you don't remember exact



1 words, but did he make reference to the fact he had  
2 stopped you before?

3 A Yes, sir, he did.

4 Q Okay. And did he use those words, if you know or  
5 how did he talk about stopping you before?

6 A Well, at first he go, hey, I remember stopping you.  
7 Didn't I arrest you? And I told him, no, he didn't  
8 arrest me, but, you know.

9 Q Okay. So you had that conversation?

10 A Yes.

11 Q All right.

12 A Yes.

13 Q Well -- and now, he's asking you about if you have  
14 illegal substances on you this time.

15 A Yes.

16 Q What do you do next or what do you do in response to  
17 that?

18 A I tell him, no. So when I come back -- I'm clear,  
19 you know, I heard, so he's getting me out the backseat of  
20 the car, so as I'm getting out he go, are you sure you  
21 don't have anything down your pants. And I tell him, no,  
22 I didn't. He turns me around, I turn around and then  
23 that's when he take and he put his hands up underneath my  
24 clothes and feel on my breasts.

25 Q Are you standing close to the police car when this

1 happened?

2 A I'm at the -- at the police car. He's got me  
3 facing, yeah.

4 Q Okay. But you're actually outside of it standing  
5 up?

6 A I'm outside -- yeah, we're outside.

7 THE COURT: Okay. Mr. Gieger, we need to slow  
8 it down just a little bit. I've having trouble getting  
9 all these details. If you could let him ask his  
10 question, so I can hear his whole question, then you can  
11 tell me real briefly the answer to his question.

12 THE WITNESS: Yes, sir.

13 THE COURT: Okay. Thank you very much. I'm  
14 trying to pay attention to what you're saying and I'm  
15 having a little trouble following.

16 THE WITNESS: Okay. Yes, sir.

17 THE COURT: Mr. Gieger.

18 MR. GIEGER: Thank you, Judge.

19 Q (By Mr. Gieger) Ms. Johnson, so you're actually now  
20 outside of the car standing up?

21 A Yes, sir.

22 Q And he, if I understood you, he's -- are you facing  
23 the car or are you facing away from the car, are you  
24 facing somewhere else?

25 A Facing the car.

1 Q And he's behind you?

2 A Yes, sir.

3 Q And from behind you is that how he reaches up under  
4 your clothes?

5 A Yes, sir.

6 Q Okay. Tell me what he did. How did he reach up  
7 under your clothes? On what part of your body, if any,  
8 did he touch?

9 A He just took and put his hands up under my blouse.

10 Q Okay. What were you wearing, do you know?

11 A I was wearing a blouse, some jeans.

12 Q Like a pull over t-shirt or a button up shirt or do  
13 you know?

14 A Yeah, it was just a pull over shirt.

15 Q Just a pull over shirt. Did you have a bra on?

16 A Yes, sir.

17 Q Okay. When he put his hands up then if I'm  
18 motioning from behind like this, is that what you did?

19 A Yes. Yes.

20 Q Okay. Does his hand touch your breast?

21 A Yes, he touches my breast.

22 Q Under your shirt?

23 A Yes, sir.

24 Q Is it over your bra or under your bra?

25 A It's under my bra.

1 Q Okay. How does that happen? He just --

2 A He just take and put his hands up and just reach --  
3 yeah.

4 Q Slide them up underneath?

5 A Yes, sir.

6 Q Okay. Both hands on both breasts?

7 A Both hands, yes, sir.

8 Q When he did that, ma'am, what did you think?

9 A All I can say was, sir, you're not supposed to be  
10 doing that. Please, sir.

11 Q Did you say that to him?

12 A Yes, I did.

13 Q Okay. And why did you say that to him?

14 A Because I know that's something that he's not  
15 supposed to be doing. He's not supposed to be touching  
16 me, not like that.

17 Q Did you say anything on this time about having a  
18 female officer or did you just say that the first time?

19 A No, I just said that the first time.

20 Q Okay. But you do remember saying you're not  
21 supposed to be doing this?

22 A Yes, sir.

23 Q Did he respond to you?

24 A No. By then he just took -- after feeling the top  
25 he just took his hands, went down, put them down my pants

1 between -- I had panties on.

2 Q Well, tell me about what kind of pants you had on,  
3 Ms. Johnson?

4 A I believe I had on some jeans, blue jeans, wearing  
5 some blue jeans.

6 Q Long pants or short pants?

7 A They're long pants.

8 Q Long pants?

9 A Yes, sir.

10 Q So immediately after he finishes touching your  
11 breasts he then goes down your pants?

12 A Yes, sir.

13 Q Is he still standing behind you?

14 A Yes, sir.

15 Q Is it -- are both hands going in or one hand or do  
16 you --

17 A It was the one hand that went down my pants past my  
18 panties.

19 Q Inside your panties?

20 A Yes, sir.

21 Q Okay. What part of his -- what part of your body  
22 did his hand touch?

23 A He touched my vagina, my clit. And then he  
24 immediately rushed his hands out and said, okay, you  
25 don't have anything there.

1 Q Ms. Johnson, I'm not -- I'm not trying to embarrass  
2 you by this, but I want to be real specific on it.  
3 Whenever he touched your vagina did it stay on the  
4 outside of your vagina or did it actually penetrate and  
5 go inside your vagina at all?

6 A No. He, just on the outside, just touched it and  
7 immediately, you know, took his hand off.

8 Q Have you ever had an officer do that to you before?

9 A No, sir. No, sir.

10 Q So he pulls his hands out and he says, what he said  
11 to you?

12 A He tell me, he said, okay, you don't have anything  
13 there you can go.

14 Q What did you do?

15 A By then, I started leaving and I --

16 Q What did he do? Did he get in his car?

17 A He gets in his car.

18 Q Okay. Which way did he go? I mean, did he drive  
19 away?

20 A Yeah, he's driving off.

21 Q What happens then, ma'am.

22 A And I'm walking. By now, I'm going to -- I'm on  
23 16th and I'm walking towards 16th. I'm on 16th and  
24 Kelham. I'm on my cell phone, which I have a cell phone  
25 to where it was broke. I can call someone they can hear

1 Q Well, and I guess that might lead to my next  
2 question, Ms. Johnson. I realize that he drove off that  
3 night. But since then when you see police cars are you  
4 afraid?

5 A Yes. Yes, sir.

6 MR. ADAMS: Judge, just object as relevance.

7 THE COURT: Overruled. You may answer.

8 THE WITNESS: Yes, sir.

9 Q (By Mr. Gieger) Did you say yes?

10 A Yes.

11 Q Ma'am, that event that happened that I think you  
12 told me is in the vicinity of 16th and Jordan, do you  
13 know if that's in Oklahoma County?

14 A Yes. Oklahoma, yes.

15 Q And the man, the police officer that you came in  
16 contact with those two times, do you see him in the  
17 courtroom?

18 A Yes, sir, I do.

19 Q Okay. Can you tell me where he is in the courtroom?

20 A Sitting here on my left beside -- at that table over  
21 there (indicating).

22 Q Okay. If there is one man close to me, one man  
23 close to the Judge, and one man in the middle, which one  
24 is it?

25 A The one that's close here to the Judge.

1 MR. GIEGER: Ask the record reflect  
2 identification of the defendant, Your Honor.

3 THE COURT: Record will reflect that the  
4 witness has pointed out Daniel K. Holtzclaw, as the  
5 police officer who stopped her near 16th and Jordan on  
6 May 26, 2014.

7 MR. GIEGER: Ms. Johnson, Mr. Adams is going to  
8 ask you some questions. All right. Pass the witness,  
9 Your Honor.

10 THE WITNESS: Yes, sir.

11 THE COURT: Cross-examine.

12 CROSS-EXAMINATION

13 BY MR. ADAMS:

14 Q Ms. Johnson, in regards to what you testified to  
15 here today we know that there is two instances where you  
16 came into contact with Officer Holtzclaw, correct?

17 A Yes, sir.

18 Q Okay. And the first one you believe was in  
19 approximately April of '14?

20 A Yes, sir.

21 Q And you would agree with me that on that stop it was  
22 about 12:30 in the morning?

23 A Yes, sir.

24 Q And this is a high crime neighborhood?

25 A Yes, sir.



1 Q And it's on the roadside?

2 A Yes, sir.

3 Q Where anybody could see?

4 A Yes, sir.

5 Q So under your version of events after he fondles  
6 your breasts, however, he does it, he then sticks his  
7 hand down your pants, correct?

8 A Correct. Yes, sir.

9 Q Did he have to unbutton or unzip your jeans to make  
10 that occur?

11 A No, sir.

12 Q Okay. Then you testified that he put his finger and  
13 I'm trying to use your words and I'm not trying to be  
14 rude. But you said on your clitoris, correct?

15 A Yes, sir.

16 Q Okay. And after he did that he just pulled his hand  
17 out and said, "Okay, you can go?"

18 A Yes, sir.

19 Q He didn't threaten you in any way?

20 A No, sir.

21 Q And you just went -- you just walked off?

22 A Yes.

23 Q And then you got about a block away and under your  
24 version of events you had got on the phone to call

25 Victor --

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IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA


THE STATE OF OKLAHOMA, )  
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DANIEL K. HOLTZCLAW, )  
)  
Defendant. )

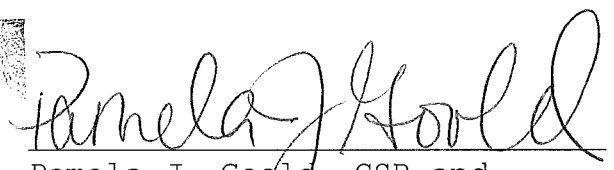
Case No. CF-2014-5869

STATE OF OKLAHOMA )  
) SS: CERTIFICATE OF COURT REPORTERS  
COUNTY OF OKLAHOMA )

I, Pamela J. Goold, Certified Shorthand Reporter, within and for the State of Oklahoma, duly appointed and qualified reporter in the District Court of Oklahoma County, state of Oklahoma, do hereby certify that the foregoing is a true, complete and accurate record of said proceedings.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 13th day of March, 2015.

  
Pamela J. Goold  
State of Oklahoma  
Certified Shorthand Reporter  
CSR # 1140  
My Certificate Expires 12/15

  
Pamela J. Goold, CSR and  
Official Court Reporter in  
and for the State of  
Oklahoma