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

STATE OF OKLAHOMA,)
)
Plaintiff,)
vs.) CASE NO.: CF-2014-5869
)
DANIEL K. HOLTZCLAW,)
)
Defendant.)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

MAY 03 2016

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COURT CLERK

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 30TH DAY OF NOVEMBER, 2015,

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME XV OF XVIII

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MAY 26 2016 *msm*

ATTORNEY GENERAL

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

REPORTED BY: Kristin L. Taylor, RPR

3428-5741

1 A No, she told me and I didn't know where Dead Man's
2 Curve was and she told me it's on Miramar between 12th and
3 13th.

4 Q So although she wasn't certain about the exact date was
5 she certain about the facts?

6 A Yes.

7 Q And were you able to verify those facts in correlation
8 to the date that you determined?

9 A Yes.

10 MR. GIEGER: I think that's all. Pass the
11 witness.

12 MR. ADAMS: I have nothing further, your Honor.

13 THE COURT: All right. Thank you, Detective. You
14 can step down.

15 Call your next witness.

16 MS. McCONNELL: State calls Carla Johnson.

17 THE COURT: All right. Ma'am, if you'd step
18 around before me.

19 (Carla Johnson was sworn.)

20 THE COURT: All right. If you'll have a seat over
21 here in this chair. Once you get situated, pull that
22 microphone right around in front of you. If you would state
23 your name and spell it for us, please.

24 THE WITNESS: My name's Carla Esther Johnson.
25 Carla, C-A-R-L-A; Esther, E-S-T-H-E-R; Johnson,

1 J-O-H-N-S-O-N.

2 THE COURT: All right. Thank you, ma'am.

3 You may proceed.

4 MS. McCONNELL: Thank you, your Honor.

5 CARLA JOHNSON,

6 was called as a witness, after having been first duly sworn,
7 and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. McCONNELL:

10 Q Ms. Johnson, I want to draw your attention to
11 August 14th of 2014. On that date do you have -- do you --
12 were you able to speak with Detective Kim Davis who is
13 sitting at this table?

14 A Yes.

15 Q How did you come into contact with her?

16 A They come to my house. Come up at -- one morning. It
17 was early. Knocked on my door. Asked to speak with me.

18 Q And you said that they came to your house. Was
19 Detective Davis with another detective?

20 A Yes, ma'am.

21 Q Was that Detective Homan, Valari Homan?

22 A Yes, ma'am.

23 Q Okay. And you said they came and knocked on your door.
24 What were they wanting to speak to you about?

25 A They told me that they had been informed that I had

1 been sexually harassed by one of their police officers.

2 Q Okay. And had you had contact with an officer like
3 that?

4 A Pardon me?

5 Q Had you had contact with an officer where you were
6 sexually assaulted?

7 A Yes.

8 Q Okay. That -- had that happened one time or more than
9 one time?

10 A The sexually part, it happened one time.

11 Q Okay. The officer, had you had contact with him on one
12 occasion or more than one occasion?

13 A More than one occasion.

14 Q Tell me about the first time you came into contact with
15 this officer.

16 A The first time I come in contact with him I was coming
17 from Northeast 14th and Kelley from -- it's not my birth
18 grandpa but he's a man that's -- I've been taking care of
19 for years. He's 92 years old now. But I've been taking
20 care of him for, like, four or five years. I was leaving
21 that house that night.

22 Q That's where you were coming from?

23 A I was leaving from there going to Northeast 15th and
24 Kelham.

25 Q And what was at Northeast 15th and Kelham?

1 A Not for sure.

2 Q Where were you whenever you came in contact --

3 A This time I was on 16th and Jordan. I was leaving 16th
4 Terrace -- it's on 16th -- it's a duplex on the corner of
5 16th Terrace and Jordan. That's my cousins staying there at
6 that duplex. And by time I go across the street there's a
7 corner right there, 16th and Jordan.

8 So it was dark and I was getting to the corner and
9 he was kinda going real fast. And he kinda -- when he
10 turned the corner, you know, it was dark and he didn't
11 really see me and he go: Oh, almost hit you. And stopped,
12 you know?

13 Q What time of day was it this time you came in contact?

14 A Okay. I will say still sometime after midnight, maybe
15 2:00, 3:00 in the morning. Maybe 2:00.

16 Q Were you walking by yourself?

17 A Yes.

18 Q Okay.

19 A Yes.

20 Q And after this officer almost hit you, what happens
21 next?

22 A Okay. So he stopped me and he go -- say: What are you
23 doing out here? Go: Haven't I stopped you before? Haven't
24 I taken you to jail before? And I go: No, you ain't take
25 me to jail but you stopped me, you know. Say: Oh, yeah.

1 So he asked me did I have anything on me. Told him no.

2 Puts me in the back seat of the car. Once again we're going
3 through, well, have you got anything on you, you know?

4 Q And did you have a purse with you on this -- this date?

5 A I don't -- I don't believe I had a purse, no, I don't
6 think I had.

7 Q Did you have to put any of your belongings on the trunk
8 of the car this time?

9 A No, this time -- this -- I believe the second time when
10 he stopped me he just asked did I have anything on me. Told
11 him no. And he asked me did I -- pants, whatever. So I
12 took my shirt and I kinda shook it out because I didn't have
13 a bra on. So I kinda, like, shook it out, you know. So
14 okay. So he didn't do nothing, pat me, none of that. Put
15 me in the back seat the car.

16 Q He didn't pat you down?

17 A No, this -- no. No. No. No. Not then.

18 Q Okay.

19 A Before he put in the car, no.

20 Q Okay.

21 A So what he did was he -- he put me in the seat -- the
22 car and he was doing this check on me, radio check. And we
23 was talking. And he kept saying: Are you sure you don't
24 have anything down your pants, no drugs or things, because,
25 you know, most you girls, that's what y'all do. Y'all take

1 and stuff drugs down you. And I'm telling him no. And he
2 asked me: You been arrested for prostitution? What you got
3 in -- I had condoms that night. Condoms, a lighter and
4 stuff in my pocket. He goes: What are you doing? Are you
5 trying -- because I pulled stuff out my pocket. Trying get
6 you a date or something tonight? And I tell him no, no.

7 But anyway, we're talking all this and that. And
8 he's just going on and on. Yeah, I think you might have
9 something down there. I said, no, let -- again, I told him,
10 you can just call female officer, you know?

11 Q Did he respond to that this time?

12 A He didn't. He didn't say anything. So anyway, once I
13 come back clear and all, this and that, well he lets me out
14 the car. He say: Are you sure you don't have anything on
15 you? I say: No, sir. He say: Let me check you. So he
16 turned me around the car and he just grabs his hands and he
17 taking and touch my breasts. And I'm nervous. And then he
18 take his hand and he put it down my pants, under my panties
19 and touch -- and I'm, like, sir, please don't do this. I
20 say: You're not supposed to because -- and he touched my --

21 Q Let me make sure I understand, Ms. Johnson. I'm sorry
22 to interrupt you. Whenever this happens and he's -- the
23 officer is putting his hands on you, are you standing
24 outside of the patrol car?

25 A Yes.

1 Q And are you -- how are you positioned to the patrol
2 car? Are you facing towards it, away from it or something
3 else?

4 A No, he turned me -- he was standing behind me because
5 he turned me -- I'm at the car and he turned me there so
6 it's like -- you know, it's just like if you put your hand
7 on the car, search.

8 Q So you're facing the patrol car?

9 A Yeah, facing the patrol -- okay. Well, he turned me
10 around. Told me: Yeah, turn around, I want to check -- you
11 know, he wanted to check me and make sure. And I know he
12 was not supposed to do that, especially when he put his
13 hands down my pants. Okay. You don't have anything, you
14 can leave now.

15 Q Whenever he put his hands -- and you kind of motioned
16 toward your breasts -- you had told me that you weren't
17 wearing a bra?

18 A No, wasn't wearing a bra.

19 Q Were his hands on top of your clothing?

20 A Yeah. Yeah. He just pat that. But he put his hands
21 inside my pants and panties and touched my vagina.

22 Q Whenever he patted the chest portion of your body did
23 he use both of his hands?

24 A Yeah, both. You know, like pat and grab.

25 Q Were his hands actually on your breasts at that point?

1 A Yes, both hands.

2 Q Had you ever had an officer --

3 A No.

4 Q When a female officer searched --

5 A No.

6 Q -- you before --

7 A No, not even that. No, they pat. They don't put their
8 hands on -- touch my private with their bare hands, no.

9 Q Whenever he searched the lower half of your body, you
10 said that he reached inside of your pants?

11 A Yes.

12 Q Did he reach inside of your -- were you wearing
13 panties?

14 A I had on panties, yes. I had on jeans, panties, yeah.

15 Q Did his hand go inside your panties or outside?

16 A Yes, it was inside.

17 Q Okay.

18 A He touched my flesh. My -- my vagina. He touched my
19 body. Yeah, his hands.

20 Q Okay. And did he say anything whenever he did that?

21 A Yeah, just say: Okay, you don't have anything. You
22 can go.

23 Q Is that after you had said -- you had told me --

24 A I was telling him: Please, sir, you're not supposed to
25 do this. You know -- yeah, because I know that was wrong.

1 Not supposed to do that -- search me, not like that.

2 Q What happened next?

3 A He let me go. I start walking. And I immediately get
4 on my phone. And during this time I had a phone that you
5 could call somebody, they can hear me but I can't hear them.
6 Okay. So I'm calling my roommate knowing that he's not
7 gonna answer his phone because I know he's in bed and he's
8 got to get up early in the morning and go to work. And I'm
9 thinking, well, maybe it can go to his voice mail or
10 whatever. I can leave a message on his thing.

11 Q What's the name of the friend that you called?

12 A My roommate, his name is Victor Wilson. Victor Wilson.

13 Q Do you still live with Victor Wilson?

14 A Yes. Yes.

15 Q Is he someone that you are romantically involved with?

16 A No. No. No, we're just roommates and that's all.

17 I've been there -- roommates with him for maybe four years
18 now maybe.

19 Q Okay.

20 A Four or five years.

21 Q And your phone you told me, you -- it was broken where
22 you couldn't hear on it?

23 A Yeah, it was broken. I can call somebody, they can
24 hear me but I couldn't hear them. That's how that phone
25 worked.

1 A Because, like I said, if I say something who -- it's
2 like who -- who -- I'm just the girl that sat there and what
3 I do whatever. I don't believe they gonna believe me. It's
4 like my word against his. And they gonna believe him. They
5 not gonna believe me. That's why I didn't say nothing. But
6 I have told people, you know. And it's like, well, you need
7 to -- something need to be done about this because they felt
8 just the way I felt; they're not gonna believe me. You
9 know, you can say whatever you want to say, but it's gonna
10 be his word against yours because he's an officer.

11 Q Before you talked to Detective Davis about it in
12 August, had you talked to any police about it before?

13 A I haven't talked to no one.

14 MS. McCONNELL: May I have a brief moment, your
15 Honor?

16 THE COURT: Yes.

17 (Counsel for the State confer.)

18 BY MS. McCONNELL:

19 Q Ms. Johnson, this officer that you've come into contact
20 with two times that you've told the jury about, is he in the
21 courtroom today?

22 A Yes, ma'am.

23 Q Can you tell me where he's sitting and what he's
24 wearing?

25 A Sitting right there with the --

1 Q What color is he wearing?

2 A Black and blue.

3 Q Is he sitting at a table?

4 A Yes, right at the back table with the water bottle
5 sitting right there in front of him.

6 Q Is he sitting closest to the Judge or furthest away
7 from the Judge?

8 A Closest.

9 MS. McCONNELL: Your Honor, may the record reflect
10 identification of the defendant?

11 THE COURT: Record will so reflect.

12 MS. McCONNELL: Your Honor, I'll pass the witness.

13 THE COURT: All right. Cross-examination?

14 CROSS-EXAMINATION

15 BY MR. ADAMS:

16 Q Ms. Johnson, the very first contact you had with the
17 Oklahoma City Police Department regarding Officer Holtzclaw
18 was August 14th of 2014; correct?

19 A Correct.

20 Q That would've been with Detective Davis who is sitting
21 here at this table along with another female detective;
22 correct?

23 A Correct.

24 Q And during that conversation they told you that they
25 had a tip that you had been sexually assaulted by a member

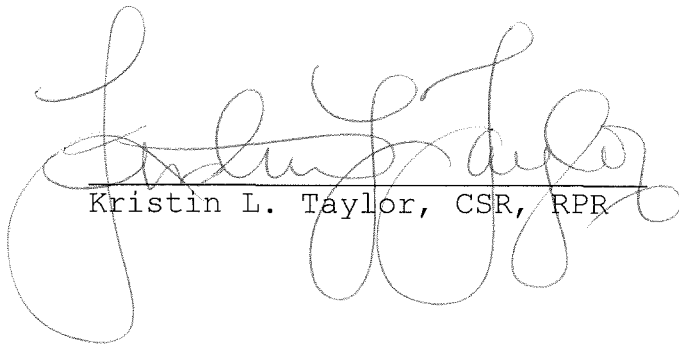
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C E R T I F I C A T E

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, KRISTIN L. TAYLOR, a Certified Shorthand Reporter within and for the State of Oklahoma, DO HEREBY CERTIFY that as such reporter, I reported in machine shorthand on the 30th day of November, 2015, the proceedings had in CF-2014-5869 and that the foregoing pages of typewriting constitute a full, true, correct and complete transcript of said hearing.

WITNESS my hand and seal of office on this 2nd day of May, 2016.



Kristin L. Taylor, CSR, RPR