

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MAR 16 2016

TIM RHODES
COURT CLERK

46 _____

* * * * *

TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 6TH DAY OF NOVEMBER, 2015,

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME V OF XVIII

RECEIVED

MAY 26 2016

ATTORNEY GENERAL

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 26 2016

MICHAEL S. RICHIE
CLERK

REPORTED BY: Kristin L. Taylor, RPR

1001-1241

1 (The following was had at the bench by
2 Court and counsel out of the hearing of
3 the jury.)

4 MR. GIEGER: Judge, our next witness is going to
5 definitely take more than time. We're ready to go. She's
6 here, but I didn't know if you wanted to --

7 THE COURT: Let's get her started.

8 MR. GIEGER: Okay.

9 (The followign continued within the
10 hearing of the jury.)

11 MS. McCONNELL: State calls Shardayreon Hill.

12 THE COURT: All right. Ma'am, step right before
13 me. Raise your right hand.

14 (Shardayreon Hill was sworn.)

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

19 THE WITNESS: My name is Shardayreon Hill. It's
20 spelled S-H-A-R-D-A-Y-R-E-O-N. Hill is the last name,
21 H-I-L-L.

22 THE COURT: All right. You may proceed.

23 MS. McCONNELL: Thank you, your Honor.

24 DIRECT EXAMINATION

25 BY MS. McCONNELL:

1 Q Ms. Hill, how old are you today?

2 A I'm 24.

3 Q Okay. And I want to draw your attention back to
4 December 20th of 2013, okay?

5 A Yes.

6 Q On December 20th, 2013, were you at Liberty Station
7 Apartments?

8 A Yes, ma'am.

9 Q And where are Liberty Station Apartments located at?

10 A It's on -- it's between Phillips and Lindsay on 26th,
11 27th-ish, something like that.

12 Q Northeast?

13 A Yes, ma'am.

14 Q On that day were you there by yourself or with other
15 people?

16 A I was there with my cousin.

17 Q Okay. And what's your cousin's name?

18 A Jonaye Stafford.

19 Q J-O-N-A-Y-E?

20 A Yes, ma'am.

21 Q S-T-A-F-F-O-R-D?

22 A Yes, ma'am.

23 Q Why were you at Liberty Station Apartments that day?

24 A We was just hanging out and sitting in a truck and --

25 Q Just the two of you?

1 A Yeah, just me and Jonaye.

2 Q So you were out -- you weren't in an apartment, you
3 were sitting outside in the parking lot?

4 A Yes, ma'am.

5 Q Were you doing any type of drugs with Jonaye Stafford
6 on that day?

7 A Yes.

8 Q What type of drugs were you doing?

9 A It was PCP.

10 Q And how do you -- how do you do PCP?

11 A You smoke it on a cigarette.

12 Q Okay. Did Oklahoma City police officers make contact
13 with you while you were at Liberty Station Apartments?

14 A Yes, ma'am.

15 Q Tell me about where you were and how that contact
16 happened.

17 A We were backed in in the apartments, like, on the first
18 entry of the apartments. And all of a sudden we see the
19 police is pulling in the apartments. And they went to the
20 middle -- they turned in and went to the middle of the
21 apartments. And they came back fast around and they pulled
22 in front of the truck that we were in.

23 Q And you said "they pulled in front," was there just one
24 car or more than one car?

25 A It was more than one car.

1 Q Do you remember how many cars there were?

2 A It was about three.

3 Q Okay. What happened after these cars pulled in front
4 of you?

5 A The officer came to the door and just opened it and he
6 pulled me out.

7 Q And I didn't ask you before, Ms. Hill, where were you
8 sitting in this truck?

9 A I was sitting in the driver's seat.

10 Q And where was Ms. Stafford sitting?

11 A She was sitting on the passenger seat of the truck.

12 Q So the officer that opened the door, which door did he
13 open?

14 A He opened the left -- because we were backed in so he
15 was on my left side and pulled the door open.

16 Q So he opened the driver's-side door?

17 A The driver's-side door.

18 Q Okay. What happened next?

19 A When he opened it he pulled me out and then, like, he
20 was saying, what's the smell he smell and stuff like that.
21 And as he talking to me he takes me and walks me to the back
22 of his car. And he asked me is it okay to search me. And I
23 tell him no.

24 Q Is this an officer that you had ever made contact with
25 before?

1 A No, ma'am.

2 Q And while this is happening with you, Ms. Hill, is
3 Ms. Stafford having a conversation with another police
4 officer?

5 A Yes, I believe the other police officers were on her
6 side speaking with her.

7 Q Okay.

8 A Or they took her to their car.

9 Q And you said that this officer asked if he could search
10 you and you told him no.

11 A Yes.

12 Q What happened after that?

13 A He sat me in the back of his car. And then they went
14 to search the truck. And by the time that I guess they were
15 done it was a female officer that came shortly after. And
16 when -- when she came they pulled me out and then that's
17 when she checked me.

18 Q Okay. And whenever you had told me that you had been
19 smoking this PCP cigarette did you have that on you whenever
20 the officers made contact with you?

21 A Yes, ma'am.

22 Q Okay. And did you have any PCP substance on you other
23 than that cigarette at that point when the officers first
24 made contact with you?

25 A Yes.

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

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

APR - 5 2016

**TIM RHODES
COURT CLERK**

46

* * * * *

TRANSCRIPT OF THE JURY TRIAL

HAD ON THE **10TH DAY OF NOVEMBER, 2015,**

BEFORE THE HONORABLE TIMOTHY R. HENDERSON,

DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,

OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME VI OF XVIII

RECEIVED

MAY 26 2016 *msr*

ATTORNEY GENERAL

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

MAY 26 2016

**MICHAEL S. RICHIE
CLERK**

REPORTED BY: Kristin L. Taylor, RPR

1242-1537

1 Q (By Ms. McConnell) And, Ms. Hill, did he say anything
2 to you at that point?

3 A No, he didn't.

4 Q And what happened next?

5 A So as I lay on the bed I'm, like -- I'm 'bout to play
6 like I'm sleep. This what I'm thinking so I can really know
7 this is really what's going on because I really wouldn't
8 been expecting this. So I'm laying in the bed and I play
9 asleep. And I'm looking. And I'm seeing him going back and
10 forth tryna to see everything that he could see. And
11 shortly after that he gets up or whatever. I see that's
12 what he's doing or whatever. And so he started -- you know,
13 woke up or whatever and we started talking again. And then
14 --

15 Q And what were you talking about this time, Ms. Hill?

16 A I'm not really -- we was just having conversation. It
17 could've been about, you know, the same stuff. Oh, he told
18 me -- it was like, Well, if you corroborate with me, you
19 know --

20 Q If you corroborate?

21 A Yes. If you corroborate with me, you know, I can make
22 these charges go away within a month. He was like, Just
23 trust me. So I'm like, What do you mean?

24 Q Did he tell you how he was going to make your charges
25 go away in a month?

1 A No, he didn't tell me right then. He really didn't
2 ever tell me how they were gonna go away.

3 Q Did he use the word "corroborate"?

4 A Yes, or -- I believe he used corroborate but if he --
5 he could've used, like, any word in that matter saying like,
6 just go with it and it'll go away. So I'm like, What do you
7 mean trust you? What do you mean? Because I'm like, you
8 know, trust you and they gonna go away? I'm like, okay.
9 I'm feeling like by this time like he could be telling the
10 truth because he -- I'm feeling like he's friend -- he's
11 friendly. He called my mama for me so I'm like, okay, maybe
12 he can. So he's like, Just trust me, just trust me. I'm
13 like, I never trusted a cop, I never trusted a cop; is how I
14 was saying it. And I was -- and he -- I was like -- oh,
15 that's when we were having the conversation about too; I was
16 like, I'm a schoolgirl, I'm a schoolgirl, I don't know about
17 drugs, I don't know.

18 Q And is he still at the foot of -- like, next to that
19 sink area that you told me about when you were having this
20 conversation?

21 A Uh-huh.

22 Q What happened -- what happens next?

23 A And then after that situation, that's when he called my
24 mom the second time.

25 Q Okay.

1 A And then after he came back around the bed, that's when
2 he -- he came to the front of the bed and he stuck his hand
3 in my private.

4 Q Okay. And you told me earlier that you're wearing this
5 hospital gown. Does his hand go underneath your gown or
6 over the top?

7 A It's underneath the gown. And he went straight in. I
8 didn't have on any underwear. And he went in and when he
9 came out -- when he went in I gasped because I didn't expect
10 that because he just did it out of nowhere.

11 Q And I know you said he stuck it in your private. I'm
12 not trying to embarrass you, Ms. Hill. Do you mean your
13 vagina?

14 A Yes, ma'am.

15 Q And what did he stick in your vagina?

16 A Me stuck his fingers in my vagina.

17 Q And you said you weren't really expecting it. Is that
18 something that you wanted to happen?

19 A No, ma'am.

20 Q Is that something that was okay with you?

21 A No, ma'am.

22 MR. ADAMS: Just, just object to the form of the
23 question as leading.

24 THE COURT: Okay. Don't lead the witness.

25 MS. McCONNELL: May she respond to the question I

1 asked, Judge?

2 THE COURT: Ask another question.

3 Q (By Ms. McConnell) You said that wasn't what you
4 wanted to happen. Were you all right with that?

5 MR. ADAMS: Judge, again, I object. She just
6 restated the leading question and said was that all right
7 and I object.

8 THE COURT: Overruled, you can answer.

9 THE WITNESS: At the time because I'm thinking
10 about, like, these charges; I don't want to be charged. And
11 I was thinking, like, he did that, you know, and I was
12 like -- and then I just didn't say nothing or do anything
13 because I couldn't really believe it. But I'm still
14 thinking about him saying if you corroborate these charges
15 will go away in a month and just trust him.

16 Q (By Ms. McConnell) Is that why you didn't call --
17 well, did you call the nurses' station?

18 A No, I didn't. I didn't even really know how to call
19 the nurses' station.

20 Q And you still -- nurses and doctors, were they coming
21 in the second room at this point?

22 A No, ma'am.

23 Q Did he say anything whenever he did that?

24 A No, he didn't.

25 Q You told me that he had touched your breast over your

1 gown whenever he was trying to pull it up. Is that
2 something that happened one time or more than one time?

3 A It happened more than one time. It happened maybe like
4 three times.

5 Q Okay. Was it always the same motion that you showed me
6 where he's grabbing your breast while pulling your gown up?

7 A Yes.

8 Q And what types of things was he saying when he did that
9 the other two times?

10 A He -- every time that he told me that my gown was -- he
11 just told me that it's down and he was tryna just -- he
12 didn't say he was tryna help me, he just was like your
13 titties are showing or, you know, something in that matter,
14 like, your breasts are showing, your titties. I don't know
15 which one he used, but he said that and said that they was
16 showing. And he would just pull it up.

17 Q You said that you weren't sure whether he said your
18 titties are showing or your breasts are showing, but are you
19 -- you're sure that he said one of those two words?

20 A One of those two words.

21 Q Did he have any other contact with your body?

22 A Yes, shortly after he came and stood to my left side
23 and he pulled his pants down and he -- I think first he made
24 me rub it first.

25 Q Well, and let me make sure I understand, Ms. Hill,

1 Q So that was before he exposed his penis?

2 A Yes.

3 Q Okay.

4 A And eventually after it was pulled down a little bit up
5 under his, you know, genital area. And I couldn't do too
6 much because he was telling me, like, the whole time that I
7 was in a bed, to lay back so that monitor wouldn't come
8 off -- would go off to where the nurses would come in to
9 check on me.

10 Q That's what he's saying to you while his penis is
11 exposed?

12 A Well, no, I'm saying this to say that, you know, I
13 couldn't do too much because if I done too much movement but
14 he -- because he would tell me like, if you do it, like --
15 you know, I couldn't do too -- first of all, he said he --
16 he wanted to do it. Was telling me that he want to do it or
17 could I do it or something. And --

18 Q Was this -- he said "could you do it"; was that before
19 or after he exposed his penis to you?

20 A No, he was saying he could do it, but he can't because
21 he's on the clock. So he would say that he -- he couldn't
22 do certain things but would do it or whatever. And so he --
23 so, anyway, he was -- he pulled that down and he just told
24 me, you know, he was grabbing my head and pulled it toward
25 --

1 Q With his hand?

2 A Yes, pulled it toward his genital and I -- I mean, I
3 gave him oral.

4 Q His penis went in your mouth?

5 A Yes. And as I was going, he -- he was like, Ha ha, you
6 never sucked a white dick before.

7 Q That's what the police officer said to you?

8 A Yes, and when he said that that threw me off. And
9 that's really why I just stopped. Because I was just
10 thinking like, what type of -- what is this? You know, it
11 like turned me off. I just couldn't even do it no more.

12 Q How long was his penis in your mouth, Ms. Hill?

13 A It was in there -- like I went up and down on him
14 maybe, like, five, six times.

15 Q And whenever he said the comment about -- repeat what
16 he said after --

17 A He said, Ha ha, you never sucked a white dick before.

18 Q Whenever he said that, is that what made the contact
19 stop?

20 A Yes.

21 Q When you say that he said "ha ha" was he laughing or
22 was he actually saying words "ha ha"?

23 A I believe he was laughing. Ha ha, you never sucked a
24 white dick before.

25 Q What was his tone whenever he said that or his