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

COPY

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

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

**MAY 03 2016
TIM RHODES
COURT CLERK**

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE **24TH DAY OF NOVEMBER, 2015,**
BEFORE THE HONORABLE TIMOTHY R. HENDERSON,
DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,
OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME XIII OF XVIII

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IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
MAY 26 2016
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REPORTED BY: Kristin L. Taylor, RPR

3029-3259

1 A Right.

2 Q But at all times she maintained that this assault that
3 had occurred on her that she was talking about and upset
4 about had occurred what she told you was either the 20th or
5 the 21st of May of 2014; correct?

6 A Yes.

7 MR. ADAMS: Pass the witness, your Honor.

8 THE COURT: All right. Any redirect?

9 MS. McCONNELL: No, your Honor.

10 THE COURT: All right. Thank you, Lieutenant.

11 You can step down.

12 Call your next witness.

13 MS. McCONNELL: State calls Detective Gregory.

14 THE COURT: Detective Gregory, let me remind you
15 you're still under oath.

16 THE WITNESS: Yes, sir.

17 THE COURT: You may proceed.

18 MS. McCONNELL: Thank you, your Honor.

19 DETECTIVE ROCKY GREGORY,

20 was called as a witness, after having been previously duly
21 sworn, and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. McCONNELL:

24 Q Detective Gregory, were you assigned to investigate the
25 case involving Terri Morris?

1 A Yes, I was.

2 Q And I know that the jury has heard testimony from you
3 and Detective Davis about finding victims off a list. Is
4 that how you found Terri Morris?

5 A No. Terri Morris was actually the very first person to
6 alert the police department that anything involving Officer
7 Holtzclaw.

8 Q Okay. Even before Jannie Ligons who we heard from
9 testify earlier in this case?

10 A That's correct.

11 Q How did you get assigned Terri Morris' case?

12 A It was on May 27th, came into work on a Monday. I was
13 informed that just a few days prior on the 24th Ms. Morris
14 had -- was involved in a domestic and officers arrived at
15 the scene. And she reported that a police officer had
16 sexually assaulted her a few days prior.

17 Q And were those reports from the incident that
18 Lieutenant Holland just testified to on May 24th, 2014?

19 A That's correct.

20 Q And did you receive the reports that were generated
21 from that contact with Terri Morris on that day?

22 A Yes, I did.

23 Q At that point did you attempt to make contact with
24 Terri Morris?

25 A Yes, that day. On the 27th I tried every which way to

1 try to contact her. Officers didn't get any good
2 information far as where she was staying or any good phone
3 numbers. It took quite a while for me to locate her.

4 Q Was the first time that you were able to make contact
5 with Terri Morris on June 3rd, 2014?

6 A That's correct, it was.

7 Q How were you able to make contact with her on that day?

8 A Terri was so difficult to find. I mean, I checked
9 missions, family members, phone numbers, everything the
10 police had involved. I tried to involve our gang unit, our
11 vice unit, our criminal intelligence unit. We just come up
12 short. Any time that an officer is accused of sexual
13 assault we definitely need to follow through with it. So
14 that was the persistence of me trying to find her. We then
15 hired -- we had an informant on the northeast side that kind
16 of was -- helped us out on occasion to -- basically being an
17 informant for whatever's kind of going on in kind of the
18 underworld. I knew that Terri had been probably bouncing
19 from house to house, a crack house or whatever and she was
20 just being difficult to find.

21 On the 3rd of June the informant notified the
22 police department where she was and officers came in contact
23 with her and detained her till I was able to get over there
24 just a few minutes later.

25 Q So you met with her, not at the police department on

1 June 3rd, 2014?

2 A That's correct.

3 Q When you made contact with Terri Morris on June 3rd,
4 2014, what's her demeanor like on that time period?

5 A Well, I'd already been advised by the officers she was
6 rip-roaring ready to get out of the car. And when I spoke
7 with her she wanted nothing to do with police or anything
8 like that. And I was trying to let her know why I was
9 there. You know, I wasn't there to arrest her or hassle
10 her. I was trying to inform her, you know, I had received a
11 report that she had been sexually assaulted and I wanted to
12 take time to discuss that matter with her.

13 Q Did she discuss any of the details about what had
14 happened whenever she was stopped at Liberty Station
15 Apartments with you on that particular day?

16 A No, after kind of talking to Terri she calmed down a
17 little bit, you know, after she kind of realized I wasn't a
18 bad guy. And then she said she wanted nothing to do with
19 it. I asked her to come downtown to police headquarters.
20 She agreed to come. Usually whenever a victim doesn't want
21 to prosecute we have them fill out a refusal to prosecute
22 form. It's kind of for my protection and theirs showing
23 that this is their wishes. So I didn't have one on me. I
24 told her I had one downtown. So she agreed to come down
25 there and -- but once down there, just as soon as I even

1 approached anything in reference to this case she just --
2 she wanted nothing to do with it.

3 Q So any time you tried to ask her any questions about
4 what had happened with the officer, that's when she -- what
5 would she do?

6 A Right, she -- Terri was basically -- she was on a crack
7 high then. She was very difficult dealing with her. She
8 paced. She was walking around. She wasn't belligerent with
9 me. She was at least cordial enough, but she was crying.
10 She was upset. She kept saying she was scared in reference
11 to what happened. And I -- so I tried to limit my questions
12 trying to figure out -- because the police reports I had I
13 had lots of questions on so I tried to narrow it down as far
14 as, like, where the location was. She spoke about this
15 mission to the officers. And I started hitting her up about
16 where the location was. And she just -- she would barely
17 answer. And then she said I don't want to do anything. You
18 know, I -- I even presented like a photo line-up to her
19 seeing if maybe she could point out, you know.

20 Q You attempted to do that?

21 A I attempted but she didn't want to look at it.

22 Q The form that you told the jury about, the refusal to
23 prosecute form, did Terri Morris sign one on that day?

24 A She did.

25 Q And then she left the police department, she was free

1 to go?

2 A Yes, that's correct.

3 Q Did you have another contact with her after this time?

4 A Yes.

5 Q Was that on June 24th, 2014?

6 A Yes, it was.

7 Q Even though she'd signed this refusal to prosecute
8 form, why would you contact her again?

9 A Well, I felt like that there was even kind of -- just
10 interviewing hundreds of victims throughout the years I felt
11 like there was a little something there. But I told Terri,
12 I'm never gonna push you into doing anything you don't want
13 to do. That's why I offered the refusal to prosecute.

14 Well, then we come across the second victim, Jannie Ligons.

15 Q And just to clarify, do you mean the second victim who
16 came forward?

17 A That's correct.

18 Q Not the second chronologically in when the events
19 happened?

20 A Right, second victim that came forward on the 18th.

21 And that one was Detective Davis' case. We compared and it
22 just -- a lot resembled the case of what limited information
23 that I have from Terri on the officer that assaulted her.

24 The descriptions were matching up extremely similar. And
25 also the actions taken that both victims had informed that

1 happened. So I felt like it was -- I didn't know if we had
2 a serial rapist or what was going on, so I felt like it was
3 in the best interest of public health that I go and talk to
4 Terri again.

5 Q Whenever you make contact with Terri Morris the second
6 time in June 24th, 2014, was it equally hard to find her as
7 it was the first time?

8 A Yes.

9 Q And did you use the same method generally?

10 A The exact same method.

11 Q Whenever you find her is she at the police department
12 on that second date?

13 A She is not. The informant advised the officers where
14 she was. She was walking around Northeast 21st and Kelley
15 area. They detained her. I went over there. I approached
16 her at that time.

17 Q Okay. And so you spoke with her out in the field?

18 A Yes, I did.

19 Q This time did Terri Morris cooperate more with you?

20 A Yes, just as soon as Terri saw me her first words out
21 of her mouth was: He did it again, didn't he? And I told
22 her -- I said: It's possible. And so I told her I really
23 want to talk with you and -- and try to get more
24 information. She -- she said she'd talk with me.

25 MR. ADAMS: Your Honor, I would object at this

1 time to anything she may have said as hearsay.

2 THE COURT: All right. Sustained.

3 Q (By Ms. McConnell) And unlike the first time that you
4 interviewed her on June 3rd when she wouldn't give you any
5 information as to what happened with this officer, did she
6 give you information on June 24th?

7 A Yes.

8 Q When she gave you the information were you able to show
9 her a line-up on that date?

10 A Yes.

11 Q And are you the one who shows the line-up?

12 A No, our policy of what we have for line-ups, anybody
13 just directly involved with the case is not allowed to show
14 the line-up.

15 Q Why?

16 A It's -- it's to not show prejudice. You bring in
17 somebody to -- instead of, you know, just kind of showing
18 pictures, like, hey, look at this one, this one right here.
19 Well, we don't want that. So we just -- I just kind of
20 grabbed another detective out of another unit and who didn't
21 have a clue about it and I'm, like, hey, would you show
22 this.

23 Q Are you present whenever this line-up is shown to Terri
24 Morris?

25 A I am not.

1 Q What is Terri's reaction whenever she's shown the
2 line-up?

3 A Well, I don't know, I wasn't there. I was --

4 Q Well, and let me ask a better question, Detective.
5 Were you there immediately before she was shown the line-up?

6 A Yes, I was.

7 Q And did you instruct her that this officer is gonna
8 show you a line-up?

9 A Yes, I did. I made introductions.

10 Q What was her reaction to that?

11 A I think she was hesitant in going through that. I
12 considered Terri kind of on a half crack high for the day.
13 So she would be cooperative and she wouldn't. I don't
14 really recall exactly what she said specifically in
15 reference to when I -- I made the introduction.

16 Q Sure. During this time when you meet with Terri Morris
17 on June 24th of '14, does she give you information about
18 having been picked up by this officer at City Rescue
19 Mission?

20 MR. ADAMS: Judge, just object to the form of the
21 question. It's leading.

22 THE COURT: All right. Rephrase your question.

23 Q (By Ms. McConnell) Did Terri Morris give you
24 information as to where she was stopped by this officer?

25 A Yes, on this second contact with me she did advise it

1 was maybe a couple blocks away from the City Rescue Mission.

2 Q Is that -- is that in downtown Oklahoma City?

3 A Yes, it is.

4 Q Whenever you spoke with Terri Morris on June 24th, did
5 you -- had you pulled the AVL for any contact between
6 Officer Holtzclaw and Terri Morris?

7 A Not at that time. The -- basically what we had done in
8 reference to Terri, I went back looking at who had, like,
9 ran her; the CIU and the Varuna that we talked about. There
10 was -- there was a stop on, like, April the 11th by another
11 officer and then May 8th was the last time she was stopped.
12 And that was Officer Holtzclaw. I had nothing around the
13 time that she was talking about around the 20th, 21st of
14 May.

15 Q Did you meet with Terri Morris yet a third time?

16 A Yes, I did.

17 Q And was that sometime during July, 2014?

18 A Yes, it was.

19 Q What was your purpose in meeting with her that time?

20 A Detective Davis and I knew we had some DNA of an
21 unknown female on the inside of Officer Holtzclaw's pants
22 and we had not found that -- that subject, that DNA.

23 Q At that point in time?

24 A At that point in time. So I knew I didn't get an
25 opportunity to ask Terri for her buccal swabs to compare it.

1 And so I had found that Terri was actually in jail at that
2 time. It was, like, July 10th. So I went over there to the
3 county jail just to ask her if I could have buccal swabs. I
4 wasn't going to interview her again. We'd already spoke. I
5 knew she didn't really want to press charges.

6 Q When you went to the jail to get the buccal swabs did
7 she give them to you voluntarily?

8 A Yes, she did.

9 Q And did you initiate trying to speak with her again
10 about what had happened with this officer on that time?

11 A No, I -- I did not.

12 Q Did she?

13 A She did.

14 Q How did she initiate that?

15 A Well, whenever I made contact with the county jail to
16 have her brought down so I could talk to her about -- just
17 about the buccal swabs, as soon as she saw me she's like:
18 Detective Gregory, there is something I want to talk with
19 you about.

20 MR. ADAMS: Judge, I would object to anything she
21 may have told him as hearsay.

22 THE COURT: All right. Sustained.

23 Q (By Ms. McConnell) Whenever she spoke with you this
24 time about the details of her encounter with this officer
25 did she give you different information than she had given

1 you the last time you spoke?

2 A Yes, she did.

3 Q How so?

4 A The location.

5 Q Okay. Before when she had told you City Rescue, did
6 she tell you another location about where this officer
7 stopped her?

8 MR. ADAMS: Object to the form, your Honor. It's
9 leading and it also calls for a hearsay response.

10 THE COURT: I'll sustain it as to leading at this
11 point.

12 Q (By Mr. Gieger) Did she give you information
13 inconsistent with the City Rescue information that she'd
14 given you before?

15 A Yes, she did.

16 MR. ADAMS: Same objection.

17 THE COURT: All right. Overruled.

18 Q (By Ms. McConnell) Whenever you found out the
19 information that she gave you regarding the -- was it about
20 the new location?

21 A Yes.

22 Q What did you do at that point with that information?

23 A She advised -- she advised of the new location. She
24 told me the direction that Officer Holtzclaw had went. We
25 kind of covered the story again. She said she could show

1 me. Lieutenant Muzny and I then checked her out of the
2 county jail and we took a drive up to the location and just
3 had her direct us where to go and she talked me through it.

4 Q And to be clear, Detective, when you say you checked
5 her out of jail, did you check her back in after you went to
6 that location?

7 A Yes. Yes, I did.

8 Q During this -- the third interview at the jail in July
9 with Terri Morris, was the subject of rehab brought up?

10 A She -- she brought up rehab, like -- yeah, she brought
11 up rehab pretty early in the conversation. I think we just
12 about sat down there and she brought it up.

13 Q And was she -- was she in jail for a misdemeanor charge
14 at that point in time?

15 A I believe so.

16 Q Did you offer her anything on her charges to get her to
17 speak with you on that date?

18 A No, and I -- I told her -- I told Terri, I was like:
19 I'm not -- I can check into rehab whether you testify or
20 not. I didn't know really what she was wanting at that
21 time. I said: I can definitely, you know, talk to people
22 about it. But I let her know that I had -- you know, wasn't
23 in charge of that at all. And she acted like she
24 understood.

25 Q Detective Gregory, did you hear Ms. Morris testify

1 today that it was you and Mr. Gieger who went to the county
2 jail to meet with her in July?

3 A Yes.

4 Q Was it in fact you and Mr. Gieger who went with her?

5 A No.

6 Q Went to meet her?

7 A No.

8 Q Who was it?

9 A It was Lieutenant Muzny.

10 Q And you told me that you received some different
11 information about location from Terri Morris on this date.
12 What did you do with that information?

13 A After she had advised me of the direction that she was
14 taken in Officer Holtzclaw's car. I checked her back into
15 the county jail. I went back to my office and then I made
16 contact with Joe Hill in reference to the AVL. And then I
17 compared at that time what Terri said, compared it with the
18 AVL on May 8th as she was claiming.

19 Q And the information that she gave you on this July,
20 2014 interview, did it seem to match the AVL information
21 that you received from Joe Hill?

22 A Yes.

23 Q Was it concerning to you in your investigation that
24 Ms. Morris had given you incorrect information back in June
25 about where she was picked up?