

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

MAY 03 2016

TIM RHODES
COURT CLERK

46

* * * * *

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

RECEIVED

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

3478-8741

1 unusual happen while you were on that walk?

2 A Yeah, I got stopped by the police.

3 Q At the time that you got stopped by the police, ma'am,
4 I know you were walking, but were you doing anything else?

5 A No.

6 Q Okay. Did you have a phone with you?

7 A Yeah, I was on the phone with James.

8 Q Okay. That's the gentleman that you had -- were living
9 with at the Relax Inn?

10 A Yes.

11 Q And what -- if it -- don't necessarily tell me what he
12 was saying, but what were you guys talking about on the
13 phone as you were walking?

14 A We were just discussing our argument that we was
15 talking about, I had walk off with.

16 Q And I didn't understand what you said right there at
17 the end.

18 A We was just discussing what we was talking about, our
19 argument.

20 Q About your argument.

21 A (No audible response.)

22 Q Okay. And, ma'am, at some point you said an officer
23 stopped you. Were you on the phone whenever the officer
24 stopped you?

25 A Yes.

1 Q Did you say anything to Mr. Anderson about the officer
2 that you can remember?

3 A Nothing than he heard the -- the policeman that stopped
4 me and he told me to hang up my phone.

5 Q Okay. So you remember saying something to him about
6 the policeman stopping you?

7 A Uh-huh.

8 Q Okay. Well, what happened after that? Did -- did the
9 policeman in fact come in contact with you?

10 A Yes.

11 Q Okay. Tell me a little bit about what happened.

12 A He stopped me and -- and run my name. And then asked
13 me if I needed a ride. And I told him no. But he gave me a
14 ride anyway because he running my name. And that's when he
15 started taking me down 16th and turned off a Highland.

16 Q Okay. Well, you told me a lot of things that happened
17 right there. So let me ask: You said he stopped you. You
18 were walking, you weren't driving; right?

19 A Huh-uh.

20 Q Okay. And when he stopped you, ma'am, did -- did he
21 get out of the car and talk to you --

22 A Yes.

23 Q -- or did he stay in the car?

24 A He stay -- he got out the car.

25 Q He got out of the car?

1 A (No audible response.)

2 Q And at some point during this contact right there
3 around the 16th and Lottie area did you ever get in the car?

4 A Yes, he put me in the back seat.

5 Q Okay. He put you in the back seat?

6 A (No audible response.)

7 Q Do you remember which side?

8 A It could've been on the back passenger.

9 Q Okay. Certainly the back seat of the police car
10 though?

11 A Yeah.

12 Q And then you said a moment ago when I asked you what
13 happened, you said that he ran you. When you say he ran you
14 what do you mean?

15 A He run my name.

16 Q Okay. What does that mean?

17 A To see if I had any warrants.

18 Q Okay. How did he do that?

19 A I guess he had called -- made a call or something.

20 Q Made a call?

21 A (No audible response.)

22 Q Could you hear anyone he was talking to? Was it on a
23 radio or a phone or do you know?

24 A It could've been like on a phone.

25 Q Okay. You just know he called somebody?

1 A Yeah.

2 Q Okay. However he did it, could you hear what that
3 person was saying in response to him?

4 A No, but I just know he said it was clear.

5 Q Okay. You remember him saying it was clear?

6 A (No audible response.)

7 Q Okay. And what does that mean to you when he said you
8 were clear?

9 A That I didn't have no warrants.

10 Q Okay. Now during this conversation, ma'am, had he
11 asked you -- other than "Do you want a ride?" had he asked
12 you anything else?

13 A No, not at the time.

14 Q Okay. Did he ask you to get in the police car or did
15 he direct you to or did you just get in voluntarily without
16 being asked?

17 A He asked me to.

18 Q And did he say why or did he just say can you step in
19 the car?

20 A He just said step in the car while he run my name.

21 Q Okay. At this point did you think anything of it?

22 A No.

23 Q Had you been stopped before?

24 A Got stopped before but I didn't think nothing of it.

25 Q Nothing unusual had happened at this point?

1 A Yeah.

2 Q You said -- you told me that the officer at some point
3 asked you if you wanted a ride.

4 A Yes.

5 Q Can you tell me a little bit about how that
6 conversation came up or why that topic of conversation came
7 up if -- if there's any reason?

8 A I guess just because it was late at night. I don't
9 know. But I just told him no, but since I was in the car
10 anyway he just say I'm gonna take you wherever you need to
11 be or something, and he just starts driving.

12 Q And, Ms. Lyles, I neglected to ask you. What time was
13 it if you remember?

14 A I don't remember. I know it was pretty late.

15 Q Pretty late?

16 A (No audible response.)

17 Q Dark outside?

18 A Uh-huh.

19 Q Do you know if it was before or after midnight or do
20 you have any idea?

21 A It could've been little bit close to midnight.

22 Q Sometime close to midnight. Okay.

23 And so did he say because it's late and you're
24 walking or did you just assume because it's late he was
25 asking you for a ride?

1 A It was like how he was saying it like it was kinda
2 late.

3 Q You just kind of assumed that's what he was talking
4 about?

5 A Yeah.

6 Q Okay. Just want to make sure I'm understanding.

7 You declined the ride?

8 A (No audible response.)

9 Q Okay. But you told me a moment ago eventually he went
10 ahead and drove anyway. Did he --

11 A He just took off.

12 Q How many times did he ask you, was it just once for the
13 ride or did that conversation go back and forth?

14 A It was like -- he just had said it and he just start
15 taking off after that.

16 Q So he did that anyway?

17 A (No audible response.)

18 Q Okay. Had you told him where you were walking to or
19 where you were going, or how is it that he would know to
20 start driving anywhere?

21 A Because he was like, where -- what is you doing on this
22 side of town because I was staying at my mom's at the time.

23 Q Okay.

24 A And I guess it showed where my current address was at.
25 And I said I was staying up at the hotel room. And he was

1 gonna take me towards that way. And I said: Will you at
2 least let me out off a Highland and then we just went
3 past -- went down Highland but he went -- turned off in the
4 school off a Highland.

5 Q Okay. And so that I understand clearly, Ms. Lyles, I
6 want to make sure, he talked to you about a ride and then
7 some discussion came up about you staying at the hotel. And
8 so that's the reason he started to go that direction, at
9 least that's what you assumed?

10 A Yes.

11 Q Am I right about that?

12 A Yes.

13 Q Now you said on the way at some point you said
14 something about letting you off somewhere else --

15 A Yeah.

16 Q -- other than the hotel?

17 A Because I didn't want him to take me to an area like
18 that. So many activities going on out there.

19 Q Explain what you mean by -- you didn't want him to take
20 you to the hotel?

21 A No.

22 Q Why?

23 A Because there's so much, like, drug activity and stuff
24 and I didn't want to be, like, be out seen like that in that
25 type a neighborhood.

1 Q You didn't want to be seen with a police officer?

2 A Yes.

3 Q Okay. You were -- were you concerned that if people
4 saw you riding around with a police officer they might think
5 you're friendly with the police; is that what you mean?

6 A Yeah.

7 Q Okay. Am I right about that?

8 A Yes.

9 Q Okay. So what did you say to him about that? To the
10 police officer what did you say?

11 A I just told him just to let me out on Highland and I
12 walk from here.

13 Q Is Highland close to the hotel?

14 A Yes.

15 MR. GIEGER: Can I have just a minute, Judge?

16 THE COURT: Yes.

17 Q (By Mr. Gieger) Ma'am, I'm going to show you --

18 MR. GIEGER: May I approach?

19 THE COURT: May approach.

20 Q (By Mr. Gieger) I'm gonna show you two different maps.
21 State's 365 and 366. And the reason I say that, ma'am, is
22 just because they have numbers on them, okay? Now do you
23 recognize kind of where you are? Do you see the freeway?

24 A Uh-huh.

25 Q Okay. And if that's the Relax Inn, do you recognize

1 this area?

2 A Yeah.

3 Q Okay. And there's some street names.

4 THE COURT: All right. Ma'am, you're going to
5 need to speak into the microphone.

6 MR. GIEGER: I'm sorry, Judge. I'll hold it over
7 here.

8 Q (By Mr. Gieger) Do you recognize generally what that
9 layout is in 365?

10 A Yes.

11 Q Does it show Lottie?

12 A Yes.

13 Q Okay. And now if I show you 366 is that just a closer
14 view of what's 365?

15 A Yes.

16 Q Okay. And is that the hotel there?

17 A Yes.

18 Q And is this Highland?

19 A Yes.

20 Q All right. Based upon your memory, ma'am, and your
21 knowledge of that area, do these two pictures basically show
22 the way the streets go and where the hotel is?

23 A Yes.

24 Q And are they accurate based upon your memory?

25 A Yes.

1 MR. GIEGER: I'd offer 365 and 366, Counsel.

2 MR. ADAMS: No objection.

3 THE COURT: All right. State's Exhibit 365 and
4 366 will be admitted.

5 Q (By Mr. Gieger) Ms. Lyles, just in case people aren't
6 familiar with the area, I want to show everyone what we're
7 looking at. This is 365, okay? Ma'am if I back it up, and
8 it gets real small, do you see this pink road over here, the
9 way the map has it? Is that Interstate 35? It's a big
10 highway; right?

11 A Yes.

12 Q And then this line going across here, is that 23rd
13 Street?

14 A Yes.

15 Q And when I showed it to you, ma'am, way over here on
16 this side, is this Lottie?

17 A Yes.

18 Q And if I told you -- I know you probably can't see it,
19 but where my finger is, is that about 16th Street?

20 A Uh-huh. Yes.

21 Q Ma'am, if I zoom in do you see this building here
22 (indicating)?

23 A Yes.

24 Q What is that?

25 A Relax Inn.

1 Q All right. So State's Number 365 gives us an overview,
2 although it's kinda hard -- it's small, but essentially
3 before the officer had stopped you you'd walked from the
4 Relax Inn over to this area which is over here at 16th and
5 Lottie; is that right?

6 A Yes.

7 Q All right. Ma'am, now on 366, which is right there
8 (indicating), if I blow -- is this part of the same area
9 that we're looking at?

10 A Yes.

11 Q Just a closer view. Is this the Relax Inn?

12 A Yes.

13 Q And, ma'am, the street that's right here, I don't know
14 if you can see it on there or not, but is that Highland?

15 A Yes.

16 Q So Highland goes north/south and almost right to where
17 the Relax Inn is.

18 A Yes.

19 Q Where were you telling the officer that you wanted him
20 to let you out?

21 A Right there off a 16th and Highland.

22 Q About 16th and Highland?

23 A Yes.

24 Q All right. So 16th is going to be down actually
25 this -- the last street is 17th, can you see that?

1 A Uh-huh. Yes.

2 Q And then if he lets you out at 16th and Highland
3 what -- what was your intention? What was your plan?

4 A I was gonna walk back towards the room.

5 Q Walk back toward the hotel?

6 A Uh-huh.

7 Q Did he take you that direction in the car? In other
8 words, did he take you from 16th and Lottie in the direction
9 of 16th and Highland? Did you start going that way?

10 A Yeah.

11 Q That's what I'm asking.

12 A Yes.

13 Q Okay. When you got to that area, ma'am, what happened?

14 A I let -- I said that he could let me out right here and
15 then he just kept going and just -- we had turned off a I
16 think it was 18th and Highland in that school.

17 Q All right. So you got to the area of 16th and
18 Highland. And did you say anything, like, you can let me
19 off here --

20 A Yes.

21 Q -- or anything like that?

22 A Yes.

23 Q Okay. Do you remember if he responded to you whenever
24 you said you can let me out here?

25 A I don't think he responded to me.

1 Q Okay. But he didn't stop?

2 A No.

3 Q Now you said something about 18th and Highland.

4 Describe what 18th is. What's that road like?

5 A It's like a -- it's like a park, closed down with a
6 school -- elementary school.

7 Q A school and a park?

8 A Uh-huh.

9 Q If I turn your attention back toward what's on the
10 television on 366, the Relax Inn's straight north on
11 Highland; correct?

12 A Yes.

13 Q Okay. But I want to go back down here now. Can you
14 see 18th Street there?

15 A Yes.

16 Q All right. Ma'am, when you talk about the park and the
17 school, is this the area that you're talking about?

18 A Yes.

19 Q So he turned on 18th Street?

20 A Yes.

21 Q And did he drive down toward that park and that school?

22 A Yes.

23 Q What happened?

24 A He jumped the curb and pulled between the buildings.

25 Q The buildings of what?

1 A Part of that school.

2 Q The school?

3 A Yeah.

4 Q Whenever he was doing that, ma'am, did you say anything
5 to him?

6 A At that time I was trying to figure out what's going
7 on.

8 Q Did you ask him what's going on?

9 A Yeah.

10 Q Did he respond if you recall?

11 A I don't remember if he did, just weird.

12 Q Did you say it was weird?

13 A Yeah, it was just weird.

14 Q Was it concerning to you?

15 A Yes.

16 Q At this point, ma'am, are you still on the phone or
17 have you hung the phone up?

18 A He had -- I had hung it up.

19 Q Okay. Where did -- at what point did you hang it up?
20 I know we talked about it but I don't remember that I asked
21 you specifically.

22 A He made me hung it up as soon as he got out of the car.

23 Q Back at the 16th and Lottie area?

24 A Yes.

25 Q Can you tell me -- can you see on there where your

1 recollection is that he parked?

2 A Between the buildings.

3 Q Okay. Let me -- is that the school?

4 A Yes.

5 Q Okay. Do you know which buildings he parked between?

6 A It was probably, like, between them two buildings with
7 the --

8 Q Okay. I'm gonna -- you tell me --

9 A Bushes.

10 Q Are you talking about these two buildings?

11 A Yeah, those on the front part.

12 Q By where?

13 A Up in the front by -- like in --

14 Q This way?

15 A Yeah, right there in that area.

16 Q Somewhere in here?

17 A Yeah.

18 Q All right. When you pulled in there, ma'am, were there
19 lights or anything from the school?

20 A No, it was dark.

21 Q Okay. And did he actually stop there?

22 A Yes, and got out the car.

23 Q And what happened whenever he got out of the car?

24 A Opened my door and he let me out. And he asking me do
25 I have anything on me illegal. And I told him no. And he

1 made me show -- show myself to him.

2 Q Okay. So at this point he's out of the car.

3 A (No audible response.)

4 Q Is that right?

5 A Yes.

6 Q Are you still in the car or are you out of the car at
7 this point?

8 A I'm out of the car.

9 Q You're out of the car?

10 A (No audible response.)

11 Q Where are you standing in relation to the car?

12 A Like, I'm still standing by the car door with the door
13 open.

14 Q So are you just outside the back seat?

15 A Uh-huh.

16 Q And where is the officer?

17 A Standing right there, like kinda little bit behind me a
18 little bit.

19 Q Ma'am, had he asked you to get out or did you just get
20 out knowing that he opened the door so you got out? How did
21 that happen if you remember?

22 A I just got out because he opened the door.

23 Q He opened the door.

24 A Yeah.

25 Q Can you open the door from the inside of the car --

1 police car?

2 A No. Huh-uh.

3 Q So you actually stand up --

4 A Yeah.

5 Q -- beside the car?

6 And then tell me what happens.

7 A And he had made a comment and he said I bet that pussy
8 is wet.

9 Q Okay. You said something a minute ago, ma'am, about
10 him asking you if you had anything on you; do you remember
11 telling me that?

12 A Uh-huh.

13 Q When did that happen? Were you still in the car or
14 were you out of the car when that happened?

15 A He axed me if I had anything on me but I had got out
16 the car and that's when I had to show myself to him.

17 Q Okay. And did that happen right after you got out or
18 did something else happen first?

19 A That was right -- that happened first.

20 Q That happened first?

21 A Yeah.

22 Q Okay. So when you stood up that's part of the
23 conversation about: Do you have anything on you?

24 A Uh-huh.

25 Q All right. And then in response to that what did he do

1 or what did you do in response to do you have anything on
2 you?

3 A He made me -- he asked me to show my cleavage and --
4 and my private.

5 Q Okay. Tell me about that. Tell me how that happened
6 exactly. The jury doesn't understand exactly -- they
7 haven't heard anything about this. So tell us -- tell us
8 what happened.

9 A He just had me to pull my shirt up and pull my panties
10 down so -- so assumed it -- I didn't have nothing on me.

11 Q Ma'am, what were you wearing that day?

12 A I think it was -- might've been a dress.

13 Q Okay.

14 A I'm not for sure.

15 Q Like a one-piece thing?

16 A Yes.

17 Q Okay. You said he had you pull your shirt up. Tell me
18 what you -- did he tell you to do that?

19 A Yes.

20 Q Or did he motion or how did you know that's what he
21 wanted you to do?

22 A He told me to do it.

23 Q And what did you do?

24 A I did it.

25 Q Were you wearing undergarments? Were you wearing a

1 bra?

2 A Yes.

3 Q Okay. Did that stay on?

4 A He made me pull everything up. He didn't -- I guess he
5 just wanted to see if I had anything on me. But I don't
6 think -- I didn't have nothing on me, just what he was
7 wanting to do.

8 Q And I want to ask real specific. I'm not trying to
9 embarrass you but I want to ask real specific. So he had
10 you actually pull up your shirt and pull your bra up. Were
11 your breasts exposed to him?

12 A Yes.

13 Q Was there light there? Could you see?

14 A I guess how he had his light or something on them, I'm
15 not for sure.

16 Q And what light -- do you remember there being any
17 lights?

18 A Not when we pulled up I didn't.

19 Q Okay. Was there lights on the car or in the car?

20 A Yeah.

21 Q The door was open?

22 A Yes.

23 Q Does the light come on when the door is open?

24 A Yes.

25 Q So there was that light?

1 A (No audible response.)

2 Q After you exposed yourself to him, your breasts, how
3 long did you hold your shirt up? Was it just a moment or
4 did you put it down; tell me about how that went.

5 A I just showed him and just clothed myself back up.

6 Q Did he say anything?

7 A Other than I bet that pussy's wet.

8 Q I want to make sure I'm following the sequence. So he
9 said that after you pulled your shirt up or before?

10 A After.

11 Q After.

12 You also said something about having to either
13 pull your dress up to where your privates were exposed or --
14 at one time you said your pants. I'm not sure which. Is
15 it -- do you remember?

16 A No, I just remember pulling my panties down.

17 Q Your panties down?

18 A Yeah, because he was tryna make sure if anything was
19 stuffed in there or something.

20 Q Ms. Lyles, do you remember why you specifically did
21 that? In other words, did he tell you to do that or did you
22 just do that on your own?

23 A He told me to.

24 Q What did he say if you remember?

25 A Pull my panties down make sure I didn't have nothing up

1 in me.

2 Q And when you did -- nothing up in you?

3 A Huh?

4 Q He said I want to make sure you have nothing up in you?
5 Is that what he said?

6 A Yes.

7 Q All right. Ma'am, whenever you did that -- well, first
8 of all, did you do that?

9 A Yes.

10 Q And so then your pubic and your vaginal area was
11 exposed as well?

12 A Yes.

13 Q Did that last about the same amount of time as your
14 shirt or was it different?

15 A Lasted about that time.

16 Q About the same time?

17 A Uh-huh.

18 Q Did he say anything to you after you did that?

19 A Other than I bet that pussy's wet, and then he just --

20 Q And that's when -- that's when he said that?

21 A Yes.

22 Q And then I interrupted you. You were gonna say
23 something else?

24 A That's when he had me bend over.

25 Q Okay. Ma'am, at this point if I understand it you're

1 -- are you still standing outside the car?

2 A Yes.

3 Q Okay. He said, I'm gonna have you bend over or -- you
4 said -- you said he had me bend over. Tell me what happened
5 next.

6 A He just pulled it out and he just start raping me I
7 guess.

8 Q Okay. Did you at some point bend over?

9 A Uh-huh.

10 Q Okay. And tell me where did you bend over or how did
11 you bend over, Ms. Lyles?

12 A In the back seat of the car.

13 Q Okay. Are your feet still outside the car?

14 A Yes.

15 Q So basically the door's -- you haven't -- have you ever
16 moved away from the door?

17 A No.

18 Q You're still standing right in the opening if this is
19 the street; right?

20 A Yeah.

21 Q And so does the top half of your body lean onto the
22 seat?

23 A Yes.

24 Q Okay. Ma'am, had you -- I think you said: And then he
25 started raping me, something -- is that what you said?

1 A Uh-huh.

2 Q You got to answer -- she has to write it down. So you
3 have to --

4 A Yes.

5 Q Say yes or no. Okay. That's why I'm making you do
6 that.

7 Ma'am, did you see his penis?

8 A Yes.

9 Q Okay. Did you see it -- when did you see his penis?

10 A After the fact -- after he told me to raise up and told
11 me to suck his dick.

12 Q Okay. Did that happen before or after he had you bend
13 over?

14 A It was like back and forth so it's kind of confusing.

15 Q Okay. So not only did he actually -- to use your
16 word -- rape you, but he actually had you suck his dick too?

17 A Yes.

18 Q Okay. And I want to make sure I understand. Did he do
19 it more than one time?

20 A Yes.

21 Q Okay. So it was back and forth?

22 A Yes.

23 Q Do you remember whether or not the oral started first
24 or the vaginal intercourse started first?

25 A I think he -- he had me bend over first.

1 Q He had you bend over first?

2 A Yeah.

3 Q All right. Ma'am, I'm gonna ask another question,
4 again, I'm not trying to embarrass you. Whenever he had you
5 bend over did you feel his penis go into your vagina?

6 A Yes.

7 Q Okay. Other than his penis going into your vagina, did
8 you feel anything else back there?

9 A Yes. I felt like it might've been his gun or something
10 poking my hip.

11 Q You felt like his gun was poking your hip?

12 A Uh-huh.

13 Q Did you see how he removed his penis from his pants?

14 A Yeah, he just -- he just unzipped his fly.

15 Q Okay. So his gun and stuff stayed on?

16 A Uh-huh.

17 Q But his penis came out his fly?

18 A Yes.

19 Q All right. In regards to the sexual intercourse do you
20 have any idea how long that lasted?

21 A Probably like 20 or 30 minutes.

22 Q Seemed like 20 or 30 minutes?

23 A Yeah.

24 Q Do you know whether or not he ejaculated, Ms. Lyles?

25 A I don't think so.

1 Q Why don't you think so?

2 A Because I know -- I know the difference of that. It
3 was just, like -- it was just -- just getting excitement or
4 something out of it. He was -- I don't know.

5 Q Okay. Well, and, again, I'm not trying to be crude,
6 but you've had sex before when someone has ejaculated?

7 A Uh-huh.

8 Q It didn't feel like that?

9 A Huh-uh.

10 Q Is that what you're saying?

11 A Yes.

12 Q Okay. Did you notice if there was any fluid or
13 anything -- and, again, I'm not trying to be graphic but was
14 there any fluid on your leg or anything like that?

15 A Not that I can recall.

16 Q Okay. Now you said at some point he also made you
17 perform oral sex on him?

18 A Yes.

19 Q How were you positioned or where was your body whenever
20 you had to do the oral sex?

21 A I just, like, squatted down a little bit.

22 Q Squatted down. So you're still outside the car?

23 A Uh-huh.

24 Q And did his penis go into your mouth?

25 A Yes.

1 Q Do you know whether or not he ejaculated during that
2 event?

3 A No, I don't think he did at all.

4 MR. GIEGER: Approach, your Honor?

5 THE COURT: You may approach.

6 Q (By Mr. Gieger) Ma'am, I'm going to put on the TV
7 again some of the photographs that have already been put
8 into evidence. Do you know whether or not -- do you
9 recognize those buildings?

10 A Yes.

11 Q Okay. What are those buildings?

12 A That's where we was at, at the school.

13 Q Somewhere in there?

14 A Uh-huh.

15 Q You showed me the -- an overhead view of it. I'm gonna
16 show you another picture. Is your memory that you were
17 between these two buildings or between other buildings?

18 A I think it was like in front of them buildings.

19 Q All right. I'm gonna show you this and I know it's
20 maybe hard to orient, but this is looking at this end of the
21 building, okay. You with me?

22 A Uh-huh. Yes.

23 Q And is this the curb that he drove over?

24 A Yes.

25 Q Okay. If I go down to the other end of this building,

1 ma'am, that's what State's Exhibit Number 280 is, do you
2 understand -- are you oriented?

3 A Yes.

4 Q Okay. Was it in that area somewhere?

5 A It was right there by that -- right here in front of
6 that pole light.

7 Q In front of that pole thing?

8 A Uh-huh.

9 Q Okay. But it's your memory -- I'm not sure what that
10 is, but if that's a light, that overhead light wasn't on; is
11 that right?

12 A It wasn't on.

13 Q Okay. But that's the location you believe you were in?

14 A Yes.

15 Q All right. Ma'am, at some point did your encounter
16 with this officer at that location come to an end?

17 A Yes.

18 Q Okay. And can you tell me a little bit about how it
19 came to an end?

20 A He just let me walk from there.

21 Q Did he say anything to you when he was done?

22 A Yes, saying he wanted to see me again.

23 Q He said he wanted to see you again?

24 A Yeah, that next night.

25 Q Whenever, ma'am, he said he wanted to see you again the

1 next night, how did that make you feel?

2 A Kinda nervous.

3 Q Okay. Did it scare you?

4 A Yes.

5 Q After he's done, did he ever drive you anywhere else
6 after leaving that location?

7 A No, he let me walk from there.

8 Q Did you see which way he went?

9 A Not really but I noticed that he musta went up Miramar,
10 jumped the curb. Miramar is right there. And I went
11 through the school buildings. I went up Fairmont and --

12 Q So you saw him drive that direction or you're just
13 assuming he went that direction?

14 A Because he stayed there for a moment and then the
15 streets was real quiet. And I got up to 22nd and Fairmont
16 and I saw, like, this police car and I kind of ducked back.

17 Q You thought that was him?

18 A Yeah, I ducked back there, like, at a vacant house so
19 he could pass by.

20 Q Did you know for sure it was him?

21 A I believe it was him because it was pretty quiet that
22 night.

23 Q Could you see -- could you see the man driving --

24 A Yeah.

25 Q -- when he drove by?

1 A Yes.

2 Q You thought it was the same guy?

3 A Yeah, it ain't too many black police cars at that time.

4 Q Okay. All right. At some point, ma'am, after you
5 walked to that location, did you continue to walk somewhere
6 else?

7 A I was walking towards the hotel room.

8 Q And did you make it back to the hotel room?

9 A Yes.

10 Q And whenever you got to the hotel room what did you do?

11 A I immediately told James what happened.

12 Q All right. And did you tell him -- what did you tell
13 him if you remember?

14 A I just told him that the policeman that had stopped me,
15 that he had raped me. He wanted me to call the police. And
16 I would say he is the police. And I don't want to call in
17 because I was nervous.

18 Q You didn't call?

19 A No, he was wanting me to but he was, like -- seem,
20 like, he was the only officer on duty. And --

21 Q Did you think if you called the police he would be the
22 one that was sent to you?

23 A Yes.

24 Q Ma'am, did you notice other than what you've told me
25 about this officer and his body, did you notice anything

1 else on his body?

2 A Tattoos.

3 Q Okay. And what -- what and where did you notice a
4 tattoo?

5 A On his arms.

6 Q Okay. Do you remember what it looked like?

7 A Yeah, if I saw a picture of it, yeah.

8 Q Okay. You get back to the hotel and you tell
9 Mr. Anderson about what had happened.

10 A (No audible response.)

11 Q You had the discussion that you told me about.

12 A Uh-huh.

13 Q Did you do anything else that night?

14 A No, I just -- I stood up for a minute and we just --
15 like, that next day -- a couple days after that it just
16 seemed like he was circling the parking lot.

17 Q You felt like he was around looking for you?

18 A Yeah, because he knew where I was at.

19 Q Did you -- other than that night though did you have
20 any face-to-face contact with him or have any discussions
21 with him after that?

22 A Huh-uh.

23 Q Okay. Ma'am, during that time period do you remember
24 what your telephone number was?

25 A I think it started with a 326 maybe.

1 Q Okay. You understand that we got your telephone
2 records; correct?

3 A Yes.

4 Q And the number that you had back then; right?

5 A Uh-huh. Yes.

6 Q Okay. If I give you the number 625-2930 does that
7 sound familiar to you?

8 A Yes.

9 Q Okay. Whenever you were calling Mr. Anderson that
10 night -- I know you were on the phone whenever the officer
11 pulled up. You told me about that. After this happened,
12 did you try to call anyone?

13 A No, I think James was trying to, I'm not for sure.

14 Q Okay. He was trying to call you?

15 A Yes.

16 Q Did you answer?

17 A I don't think I have because he had -- when we was --
18 he was doing it to me he had took my phone.

19 Q Okay. Whenever you got back to the Relax Inn and you
20 were telling Mr. Anderson about this, did either he or you
21 say anything about telephone calls going back and forth
22 during that time?

23 A Not that I remember.

24 Q Okay. Were you upset?

25 A Yes.

1 Q But you know that he was at the Relax Inn either making
2 phone calls and/or whenever you were talking to him that's
3 how you would call, is you wouldn't call his cell phone, you
4 would call the Relax Inn and talk to him?

5 A Yes.

6 Q All right. Ms. Lyles, in regards to the officer
7 telling you that he was gonna see you again the next night
8 or something like that, after this happened did you change
9 your behavior a little bit about this?

10 A Yeah, I kinda stayed in the hotel room for a few days.

11 Q Were you nervous to go out?

12 A Yes.

13 MR. ADAMS: Judge, just object to relevance.

14 THE COURT: Overruled.

15 Q (By Mr. Gieger) Ma'am, does it continue to affect you?

16 MR. ADAMS: Judge, object to relevance.

17 THE WITNESS: Yes, a little bit.

18 THE COURT: Overruled. You can answer.

19 Q (By Mr. Gieger) How so?

20 A Yes.

21 Q How so? How does it affect you?

22 A Because of the fact that I don't know who could be
23 working with him.

24 Q You're distrustful of police?

25 A Some of them.

1 Q Okay. Ma'am, as the time went by, did you ever call
2 yourself and report it?

3 A No, I come -- I told my probation officer.

4 Q Okay. I want to talk to you about that. At what point
5 did you tell your probation officer about it, ma'am?

6 A I skipped a day to go over to my probation. And when I
7 went back in -- I can't remember exactly what the day but he
8 had -- my probation, he had me call the detective.

9 Q Okay.

10 A And that's when all that went on.

11 Q What are you on probation for?

12 A City.

13 Q For drugs?

14 A Yes.

15 Q All right. That night had you used any drugs, the
16 night that you had contact with this police officer?

17 A No.

18 Q Okay. But you were on probation at that time too; is
19 that right?

20 A Yes.

21 Q Okay. So as part of your probation are you supposed to
22 check in at least every month or every week or something
23 with your probation officer?

24 A Once a month.

25 Q Once a month.