

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

SHERRY ELLIS, et al.,)
)
 Plaintiffs,)
 vs.) No.)
) 16-CV-00019-HE
 DANIEL HOLTZCLAW, et al.,)
)
 Defendants.)

 TABATHA BARNES, et al.,)
)
 Plaintiffs,)
 vs.) No.)
) 16-CV-0184-HE
 CITY OF OKLAHOMA CITY, et al.,)

 ADAIRA GARDNER, individually,)
)
 Plaintiff,)
 vs.) No.)
) 16-CV-0349-HE
 DANIEL HOLTZCLAW, et al.,)
)
 Defendants.)

 ROSETTA GRATE,)
)
 Plaintiff,)
 vs.) No.)
) 16-CV-0412-HE
 THE CITY OF OKLAHOMA CITY, et al.,)
)
 Defendants.)

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VIDEOTAPED DEPOSITION OF DANIEL HOLTZCLAW
TAKEN ON BEHALF OF THE PLAINTIFFS
IN LEXINGTON, OKLAHOMA
ON OCTOBER 21, 2019

REPORTED BY: KAREN B. JOHNSON, CSR

1 ultimately.

2 Q How did you know Ms. Johnson had a history
3 of drug use?

4 A I'm sure that probably through VARUNA or
5 just common knowledge of talking to her, you know,
6 you build a rapport, you talk to that person, you
7 make them feel comfortable, simple conversation, and
8 maybe she said something about in her past, well,
9 hey, I have some drug arrests or maybe I came out of
10 the pen, well, what did you go to the pen for, drug
11 use, and that builds up the subject to talk about.

12 Q When you have these prolonged
13 conversations with individuals who are detained in
14 the back of your vehicle, did you complete a field
15 interview card with Ms. Johnson?

16 A I believe, again, that's to the officer's
17 discretion, at that time.

18 Q And you make that -- that's your belief
19 based upon your training; correct?

20 A That's correct.

21 Q Isn't it true that while you had
22 Ms. Johnson in your custody, you actually went
23 underneath her shirt yourself searching for drugs?

24 A No, it's nothing of sexual nature that I
25 would do to any woman, man throughout my course as a

1 police officer.

2 Q Isn't it true that when you had
3 Ms. Johnson in your custody, you actually put your
4 hands down her pants and underwear to search for
5 drugs?

6 A Again, there was nothing sexual in nature
7 with anyone of doing any wrongdoing with any male or
8 female of all this, and for the record be clear that
9 I am innocent of all charges.

10 MR. SOLOMON-SIMMONS: I think you only
11 have a few minutes of tape, you want to -- let's
12 take a break here and let you switch the tape.

13 THE VIDEOGRAPHER: Off the record.

14 (Break taken from 12:15 to 12:22)

15 THE VIDEOGRAPHER: Okay. This begins Part
16 3, the time is 12:22, we are back on the record.

17 Q (By Mr. Solomon-Simmons) I want to go
18 back to Ms. Ligons, after you completed the traffic
19 stop, what did you do next?

20 A I went home.

21 Q And you went home, and where was home?

22 A My apartment's north side of Oklahoma
23 City.

24 Q And is that the apartment you shared with
25 Ms. Hunt?

1 Q Just as you sit here today, are there any
2 other of the women that you actually like remember
3 the interaction, besides Ms. Campbell we've talked
4 about; right?

5 A During this time of your questioning, I'm
6 doing my best to answer those questions of my
7 recollection of any of these accusers, correct.

8 Q Well, according to Ms. Copeland, you
9 pulled her over and you told her to step out of her
10 vehicle so you could search her car, do you dispute
11 that?

12 A If that's what the record states, then
13 that's correct.

14 Q And according to Ms. Copeland, you did not
15 gain her consent to search her vehicle, do you
16 dispute that?

17 A If I didn't get consent to search a
18 person's vehicle, if I didn't have probable cause in
19 doing so, I would not do that, that would be
20 against -- violation, that would be against their
21 right.

22 Q Ms. Copeland says that you -- she
23 testified that you instructed her to pull her pants
24 down and she complied, do you dispute that?

25 A There is no women, man that I ever did

1 anything sexual in nature throughout my course as a
2 police officer.

3 Q Ms. Copeland testified that she told you
4 that you shouldn't be having her to pull her pants
5 down, do you dispute that?

6 A Again, during my course as a police
7 officer, I have never done anything sexual in nature
8 with any male or female.

9 Q Ms. Copeland testified you instructed her
10 to pull her panties down and she complied, do you
11 dispute that?

12 A Again, I'm innocent of all charges,
13 everything I stated that I've never done anything
14 sexual in nature with any man or female throughout
15 my course as a police officer.

16 Q Why do you think Chief Citty wanted you to
17 take the fall for these cases?

18 A Again, he's a coward, I've said that many
19 times. He's afraid of his legacy, I believe, to be
20 tarnished due to the fact of the racial tension
21 between Black Lives Matter, the Ferguson deal, the
22 Baltimore deal, everything coming back to Oklahoma
23 City, and so here's this low ranking officer,
24 myself, so who is he, shove him under the rug, let
25 him be the scapegoat, let him take the fall, let him

1 do all that, I'm higher up, I'm chief, I established
2 my legacy, I established myself, command building's
3 built after my name, I'm going to go ahead and
4 retire and collect my pension and be fine, who's
5 this -- who's this basically this low ranking
6 officer, I'm going to let him take the fall for
7 everything.

8 Q Now, you stated that -- and you've been
9 very clear from your perspective of -- or your
10 belief you didn't do anything sexual in nature, and
11 I understand that, but I just want to make sure I'm
12 clear with my questions, that Ms. Copeland said you
13 instructed her to pull her pants down, did that
14 occur?

15 A That would be sexual in nature, again, I
16 have not done anything sexual in nature with any man
17 or woman throughout my course as a police officer.

18 Q But isn't it true that you had an
19 individual that you had pulled over and was
20 searching for marijuana and you -- you pulled his
21 pants down on the street?

22 A This was a --

23 Q Is that true?

24 A You want me to tell you the -- tell you
25 what happened?

1 maybe that I had gone to a call and they might have
2 said, hey, this guy's -- might be saying I was
3 unprofessional as meaning that I was being loud or
4 something to them and disrespectful in a way, those
5 are complaints, absolutely.

6 Q So there could have been a complaint, and
7 you took three different occasions scattered over a
8 period of more than 24 hours to check and see if a
9 complaint had been filed against you by Ms. Ellis?

10 A Those are asked and answered. That is
11 your theory of saying that I did something with this
12 woman, which never happened. Again, I'm innocent of
13 all charges, state on the record, again, times and
14 dates that you keep repetitively asking is not going
15 to change.

16 Q No, sir, but I'm giving you the
17 opportunity to tell your story and to explain what
18 non-incriminatory explanation there is for this
19 check 16 hours later on the 7th, this check at 4:25
20 p.m. the following day, and this next check at 11:43
21 the following day, so here's your chance to tell
22 your story, what's the non-incriminatory explanation
23 for those three checks?

24 A I don't know how many times you've asked
25 that, but, again, my statement is not going to

1 definitely misled in the closing statements stating
2 that it was proof that it was vaginal fluid from a
3 Gardner, I believe, that raised the DNA issues, and
4 it was actually on record that the jurors stated
5 that we -- we almost acquitted Officer Holtzclaw if
6 it wasn't for the DNA.

7 So there's a lot of things that play in
8 factor as far as the trial, as far as the juror
9 members, because they're -- they're essentially
10 victims, they -- they don't know any better. I'm
11 sure they don't want to be in a long trial. They
12 have to listen through it, through some heinous
13 crimes that allege, and they don't want to be there,
14 but yet, there -- these actors as far as Gayland
15 Gieger is feeding them crap, so they can listen to
16 and they believe is true because no one doubts that,
17 hey, it's the prosecution, they're supposed to be
18 the good side, the defense attorneys are the bad
19 guys, so therefore, we definitely are going to
20 listen to the prosecution. And so they have no
21 doubt in their mind and believe otherwise of what
22 Gayland Gieger is saying, so he misled and
23 manipulated the courtroom and fed them all this
24 information to let them believe that I was guilty,
25 which, in fact, I am not guilty, I'm innocent of all

1 charges.

2 Q Why would Gayland Gieger -- what was his
3 motivation?

4 A I'm pretty sure he's going to -- whenever
5 Prater is going to retire, I'm sure he's going to
6 take that footstep up and he's going to try to be
7 the D.A., he's his -- basically almost his
8 right-hand man.

9 Q How do D.A.s normally -- how are they
10 normally successful at trial?

11 A 100 percent by conviction rating, they
12 don't care if it's innocent or guilty, it's
13 basically you're based off -- your D.A. is based off
14 statistics, you're based off your record, and it's
15 basically off conviction rating.

16 Q Right. And what's the number one way
17 D.A.s win convictions at trial, whose testimony?

18 A Is their, quote, unquote, key witness or
19 whatever.

20 Q And that's usually police officers;
21 correct?

22 A I don't know, I wouldn't necessarily say
23 police officers, but, yeah.

24 Q So if the D.A.'s office has a bad position
25 or bad relationship with police officers, that would