

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

TABATHA BARNES, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-16-0184-HE
)	
THE CITY OF OKLAHOMA CITY,)	
a municipal corporation, <i>et al.</i> ,)	
)	
Defendants.		

**PLAINTIFFS’ OBJECTIONS TO DEFENDANTS’ THE CITY OF
OKLAHOMA CITY’S AND WILLIAM CITY’S FINAL EXHIBIT LIST**

COME NOW Plaintiffs Shardayreon Hill, Carla Johnson, Jannie Ligons, Kala Lyles, and Terri Morris, and by and through their attorneys of record, hereby submit these objections to Defendants City of Oklahoma City’s and William City’s final exhibit list in accordance with the scheduling order currently in force in this action.

EXHIBITS EXPECTED TO BE USED:

No.	Exhibit	Objection	Rule Relied Upon
1.	All reports authored by Rocky Gregory in criminal investigation of Maurice Martinez, OCPD Case No. 11-004507	Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 403 FRE 802
2.	Information filed in <i>State v. Martinez</i> , CF-2011-2327 including attached affidavit of Defendant Gregory	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
3.	08/31/11 Amended Information in <i>State v. Martinez</i> , CF-2011-2327	Irrelevant	FRE 401

4.	Judgment and Sentence in <i>State v. Martinez</i> , CF-2011-2328	Irrelevant	FRE 401
5.	06/24/11 Pre-Determination Hearing Notice to Martinez	Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 403
6.	07/25/11 Martinez's Resignation Letter	Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 403
7.	Information in <i>State v. Downing</i> , CM-14-0615	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 401, FRE 403
8.	Judgment and Sentence in <i>State v. Downing</i> , CM-2014-615 and CM-2015-739	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 401, FRE 403
9.	08/02/13 Letter from David Prater re: Darnell Armstrong	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
10.	OCPD Procedure 150.0-150.17 – Use of Force Investigations		
11.	OCPD Procedure 160.40 – Screening Committee		
12.	05/12/12 OCPD Case No. 12-38964, IA Case No. 12-274 – Holtzclaw Use of Force Against BF	Hearsay	FRE 802
13.	Information and all Amended Informations with probable cause affidavits attached in <i>State v. Holtzclaw</i> , CF-2014-5869	Hearsay (probable cause affidavits)	FRE 802
14.	All Investigative Records in the following cases, including, but not limited to photographs taken of scenes, AVL of Holtzclaw's vehicle, dispatch tapes, records of Holtzclaw's communication with other OCPD units, emails between Wenzel, Bacy, Joe Hill, and Detectives Gregory and Davis, recordings of	Hearsay (police reports)	FRE 802

	interviews with victims if any, all police reports, all audio and/or video recordings, emails from all victims: <ul style="list-style-type: none"> • 14-083072 (A. Gardner) • 14-066583 (C. Johnson) • 14-068786 (C. Raines) • 14-066183 (F. Mathis) • 14-049050 (J. Ligons) • 14-076818 (K. Lyles) • 14-085523 (R. Copeland) • 14-070895 (R. Grate) • 14-078745 (S. Hill) • 14-066104 (S. Ellis) • 14-083092 (S. Brown) • 14-068166 (T. Barnes) • 14-041539 (T. Morris) 		
15.	Tape and Transcript of Interview of Holtzclaw on 06/18/14		
16.	12/31/14 Jester Memo to Chief City re Pre-Determination Hearing – Officer Daniel Holtzclaw	Irrelevant	FRE 401
17.	09/08/11 Memo from Kuhlman re OCPD Call Out Procedures		
18.	Photographic Admonition Form and Photo Line Up shown to Terry Morris by Detective Higginbottom		
19.	06/04/14 Brian Taylor Report re 14-44803, Lydia Opal Smith – impersonator case including all other reports	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
20.	Video of encounter between Holtzclaw and Ligons	Probative value outweighed by risk of wasting time, needlessly presenting cumulative evidence	FRE 403
21.	10/24/14 Pre-Determination Notice Memo to Holtzclaw from Kuhlman		
22.	01/08/15 Termination Letter to Holtzclaw from Chief City		
23.	OCPD Policy 665.0-665.10 – Personnel and Recruitment		

24.	OCPD Procedure 424.0-424.50 – Recruiting and Employment of Sworn Personnel		
25.	OCPD Policy 670.0-670.10 – Training and Recruit Training		
26.	OCPD Policy 670.30 – In-Service Training		
27.	OCPD Procedure 436.0 – In-Service Training		
28.	OCPD Procedure 436.05 – Attendance	Irrelevant; Probative value outweighed by risk of wasting time	FRE 401, FRE 403
29.	OCPD Policy 030.0 – Review		
30.	OCPD Procedure 113.0 – Issuance of Policies, Procedures and Rules; OCPD Procedure 113.10 – Responsibility; OCPD Procedure 113.20 – Distribution of the Operations Manual; OCPD Procedure 113.30 – Update of Operations Manual (Procedures 113.0-113.30), rev. 05/13		
31.	OCPD Rule 100.0 – Compliance with Policies, rev. 04/11		
32.	OCPD Rule 105.0 – Condition of Manual, rev. 02/13		
33.	01/15/07 CALEA Assessment Report	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
34.	03/17/07 CALEA Assessment Letter	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
35.	03/27/10 CALEA Assessment Letter	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
36.	03/23/13 CALEA Assessment Letter	Irrelevant; Probative value outweighed by risk of	FRE 401, FRE 403,

		unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 802
37.	OCPD Procedure 230.0 – Arrest Procedure		
38.	OCPD Policy 554.0-554.60 – Use of Force		
39.	OCPD Policy 105.0 – Mission Statement	Irrelevant	FRE 401
40.	OCPD Policy 110.0 – Primary Objective	Irrelevant	FRE 401
41.	OCPD Policy 205.0-205.15 0 Standard of Conduct, Law Enforcement Code of Ethics, Oath of Office		
42.	OCPD Policy 220.0 – Respect for Constitutional Rights		
43.	OCPD Policies 285.0-258.10 – Allegations of Employee Misconduct Objectives of Personnel Investigations		
44.	OCPD Policy 287.0 – Discipline		
45.	OCPD Procedure 143.0 – Complaints Against Police Employees		
46.	OCPD Procedures 150.0-150.18 – Use of Force Investigations		
47.	OCPD Procedures 170.0-170.70 – Discipline		
48.	OCPD Procedures 103.0-103.42 – Non-Discrimination/Harassment		
49.	OCPD Rule 115.0 – Neglect of Duty		
50.	OCPD Rule 120.0 – Truthfulness/Cooperation		
51.	OCPD Rule 125.0 – Duty to Report Misconduct		
52.	OCPD Rule 348.0 – Use of Force		
53.	OCPD Rule 470.0 – Constitutional Rights		
54.	Pre-Employment File of Holtzclaw, including but not limited to: application		

	questionnaire, applicant investigation report, 07/05/11 Report of Allan Dupis LPC-CPI, 07/10/11 OCPD Polygraph Report of Cecil Frymire, 07/19/11 Confidential Final Report of Rowe & Dupis MMPI, Assessment Board Questions with notes		
55.	Syllabus of Recruit Class No. 128,		
56.	Training Outline for Criminal Investigations/Sexual Assaults		
57.	Training Outline for Civil Liability		
58.	Training Outline for Arrest		
59.	Training Outline for Probable Cause		
60.	Syllabus from Recruit Class 116		
61.	06/03/14 Terri Morris Refusal to Prosecute		
62.	04/11/14 OCPD Springlake Division Day Shift Line-Up	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 401, FRE 403
63.	05/20/14 OCPD Springlake Division Day Shift Line-Up	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 401, FRE 403
64.	05/21/14 OCPD Springlake Division Day Shift Line-Up	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 401, FRE 403
65.	OCPD Procedure 670.20 – Field Training and Evaluation Program		
66.	Ten Month Probation Board Reports re Daniel Holtzclaw		
67.	OCPD Procedures 431.0 – 431.10 – Recruit Training and Major Grades		
68.	OCPD 434.0-434.10 – Field Training Officer		

69.	OCPD Procedure 160.20 – Probation Review Board		
70.	05/01/13 Incident Detail Report re: Armstrong, OCPD Incident No. 13-35649		
71.	Maiden Third Party Affidavit	Hearsay	FRE 802
72.	Griffin Third Party Affidavit	Hearsay	FRE 802
73.	Video – Interview of Ms. Griffin	Hearsay	FRE 802
74.	Video – Interview of Ms. Maiden	Hearsay	FRE 802
75.	Photo representation by Campbell of hobble on Armstrong	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 401, FRE 403
76.	06/26/13 Report of Investigation by Medical Examiner re Armstrong	Hearsay	FRE 802
77.	Supervisor’s Follow-up Investigation Report by Bennett and his Use of Force Report, including Holtzclaw’s Standard Supplemental Reports re 13-093984	Hearsay	FRE 802
78.	Audio – 911 Call from Presbyterian Hospital – Campbell’s Request for Supervisor		
79.	03/17/14 Arthur Gregory Report, 14-21185	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time	FRE 401, FRE 403
80.	03/31/14 Holtzclaw Certificate of Completion of 2014 Non-Supervisory Employees – Policy Prohibiting Discrimination and Sexual Harassment		
81.	2012 City of Oklahoma City Personnel Policies		
82.	2013 Holtzclaw Sexual Harassment Training Test Results		
83.	2012-2014 Holtzclaw Training History/In-Service		
84.	Judgment and Sentence re State v. Holtzclaw, CF-2014-5869		

85.	Campbell Notice of Tort Claim		
86.	Campbell Medical Records regarding the "Use of Force" by Holtzclaw		
87.	Campbell Handwritten Note on back of business card		
88.	11/05/13 Campbell Incident Report	Hearsay	FRE 802
89.	Plaintiff Barnes Responses to Defendants' Interrogatories and to Defendants' Second Set of Interrogatories		
90.	Plaintiff Morris' Responses to Defendants' Interrogatories and to Defendant's Second Set of Interrogatories		
91.	Plaintiff Johnson's Responses to Defendants' Interrogatories and to Defendant's Second Set of Interrogatories		
92.	Plaintiff Lyles' Responses to Defendants' Interrogatories and to Defendant's Second Set of Interrogatories		
93.	Plaintiff Ligons' Responses to Defendants' Interrogatories and to Defendant's Second Set of Interrogatories		
94.	Plaintiff Hill's Responses to Defendants' Interrogatories and to Defendant's Second Set of Interrogatories		
95.	Training Outline for Major Crimes for Recruit Classes 116 and 128		
96.	Training Outline for Use of Force for Recruit Classes 116 and 128		
97.	All AVL for 06/18/14 Second Shift Springlake Patrol Vehicles		
98.	Body worn camera footage of Ms. Ligons and Officer J. DeSpain on 04/11/19	Irrelevant; Probative value outweighed by unfair prejudice, wasting time; Improper character evidence	FRE 401, FRE 403, FRE 404
99.	Campbell's Facebook posts re Holtzclaw	Irrelevant; Probative value outweighed by unfair prejudice, wasting time	FRE 401, FRE 403,
100.	OCPD Investigations into the complaints of sexual assaults by OCPD officers from	Hearsay, Probative value outweighed by unfair	FRE 802, FRE 403

	January 1, 2011 through October 2014	prejudice and misleading the jury	
101.	OCPD Policy 670.30 – In Service Training		
102.	AVL of OCPD cars on 05/20/14 and 05/21/14	Probative value outweighed by confusing the issues, misleading the jury	FRE 403
103.	OCPD Procedure 436.0 – In Service Training		
104.	Warrants for Ms. Ligon from traffic citations given as a result of an accident on 04/11/19	Irrelevant; Probative value outweighed by unfair prejudice, wasting time; Improper character evidence	FRE 401, FRE 403, FRE 404
105.	All exhibits listed by other Defendants not otherwise objected to by these Defendants		
106.	All exhibits listed by Plaintiffs not otherwise objected to by these Defendants		

EXHIBITS WHICH MAY BE USED:

No.	Exhibit	Objection	Rule Relied Upon
107.	All documents contained within OCPD Criminal and Administrative Investigation Files into death of Darnell Armstrong	Hearsay	FRE 802
108.	Administrative Investigation Report of Citizen Complaint against Holtzclaw by Lt. A. Gregory, OCPD Report No. 14-21185	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusion of issues, wasting time; Hearsay	FRE 401, FRE 403, FRE 802
109.	OCPD Procedure 148.0 – Early Intervention Program		
110.	OCPD’s Early Intervention Program Memos and Reports Involving Holtzclaw, Second Quarter 2013	Hearsay	FRE 802
111.	OCPD’s Early Intervention Program	Hearsay	FRE 802

	Memos and Reports Involving Holtzclaw Third Quarter 2013		
112.	OCPD's Early Intervention Program Memos and Reports Involving Holtzclaw, Annual 2013	Hearsay	FRE 802
113.	OCPD's Early Intervention Program Memos and Reports involving Holtzclaw, First Quarter 2014	Hearsay	FRE 802
114.	All OCPD Use of Force Investigations of Defendant Holtzclaw	Hearsay	FRE 802

Respectfully Submitted,

SOLOMON SIMMONS LAW, P.L.L.C

/s/KyMBERLI J. M. HECKENKEMPER

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