

**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.)	

SHERRY ELLIS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-16-0019-HE
)	
DANIEL HOLTZCLAW, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFFS’ OBJECTIONS TO DEFENDANT
DANIEL HOLTZCLAW’S FINAL EXHIBIT LIST**

COMES NOW Plaintiffs Shardayreon Hill, Carla Johnson, Jannie Ligons, Kala Lyles, and Terri Morris in CIV-16-0184-HE, and Plaintiff Regina Copeland in CIV-16-0019-HE, and by and through their attorneys of record, hereby submit these objections to Defendant Daniel Holtzclaw’s final list of exhibits in accordance with the scheduling order currently in force in this action.

EXHIBITS EXPECTED TO BE USED:

No.	Exhibit	Objection	Rule Relied Upon
1.	<p>All Investigative Records, Reports, and Documents generated or obtained by OCPD officers in the following cases, including, but not limited to, photographs taken of scenes, AVL of Defendant Holtzclaw's vehicle, Defendant Holtzclaw's Varuna and CIU records, dispatch tapes, records of his radio communication, emails among Denise Wenzel, Ron Bacy, Joseph Hill, Elaine Taylor, and Detectives Rocky Gregory, Kim Davis, and Valari Homan, recordings of interviews with accusers, all police reports, all audio and/or video recordings, and letters received from accusers:</p> <ul style="list-style-type: none"> ● 14-041539 (T. Morris) ● 14-049050 (J. Ligons) ● 14-066104 (S. Ellis) ● 14-066183 (F. Mathis) ● 14-066583 (C. Johnson) ● 14-068166 (T. Barnes) ● 14-068786 (C. Raines) ● 14-070895 (R. Grate) ● 14-076818 (K. Lyles) ● 14-078745 (S. Hill) ● 14-083072 (A. Gardner) ● 14-083092 (S. Bowen) ● 14-085523 (R. Copeland) 		

2.	Documents filed by Richard Smith, former Counsel for Defendant City, in <i>Demetria M. Campbell v. City of Oklahoma City et al.</i> , Case No. CJ-2015-4217 in the District Court of Oklahoma County, including Defendant City of Oklahoma City's Motion for Summary Judgment and Brief in Support, filed 06/25/2018, and Defendant City's Reply to Plaintiff's Response to Defendant City's Motion for Summary Judgment, filed 08/17/2018	Hearsay; Probative value outweighed by risk of confusing the issues and wasting time	
3.	Plaintiff Morris's Refusal to Prosecute Form 06/03/2014		
4.	Video footage of Plaintiff Morris's interview with Defendant Gregory on 06/03/2014		
5.	Photo lineup that Defendant Gregory tried to get Plaintiff Morris to look at on 06/03/2014, as described in Det. Gregory's police report dated 06/18/2014		
6.	Photographic Lineup Admonition Form shown to Plaintiff Morris by Detective Higginbottom (06/24/2014), and associated transcript and police reports (OCPD Case 14-041539)		
7.	Surveillance Video of Defendant Holtzclaw's Traffic Stop of Plaintiff Ligons on 06/18/2014	Irrelevant; Probative value outweighed by risk of wasting time and needlessly presenting cumulative evidence. Defendant Holtzclaw is precluded from relitigating his conviction for his crimes against Plaintiff Ligons.	FRE 401, FRE 403

8.	Video and Transcript of Interview of Defendant Holtzclaw by Det. Kim Davis and Defendant Gregory on 06/18/2014	Hearsay; Irrelevant; Probative value outweighed by risk of wasting time and needlessly presenting cumulative evidence. Defendant Holtzclaw is precluded from relitigating his conviction for his crimes against Plaintiff Ligons.	FRE 802, FRE 401, FRE 403
9.	OCPD DNA Lab Forensic Examination Report and Bench Notes for Lab No. SD-14-273, reported 11/12/2014 by Elaine Taylor, Senior Forensic Scientist, providing her analysis of DNA profiles obtained from Known References, Plaintiff Ligons' SANE kit, her car and phone, Defendant Holtzclaw's patrol car, and outer surfaces of the fly of his uniform pants	Irrelevant; Probative value outweighed by risk of wasting time and needlessly presenting cumulative evidence Defendant Holtzclaw is precluded from relitigating his conviction for his crimes against Plaintiff Ligons..	FRE 401, FRE 403
10.	OCPD DNA Lab Supplemental Forensic Examination Report and Bench Notes, including electropherograms and qPCR report, for Lab No. SD-14-273, reported 10/07/2015 by Elaine Taylor, Senior Forensic Scientist, providing her analysis of DNA profiles obtained from inside surfaces of the fly of Defendant Holtzclaw's uniform pants	Irrelevant; Probative value outweighed by risk of wasting time and needlessly presenting cumulative evidence Defendant Holtzclaw is precluded from relitigating his conviction for his crimes against Plaintiff Ligons..	FRE 401, FRE 403

11.	OCPD DNA Lab Supplemental Forensic Examination Report, Amended, and Bench Notes for Lab No. SD-14-399, reported 10/07/2015 by Elaine Taylor, Senior Forensic Scientist, providing her analysis of DNA profiles obtained from Plaintiff Grate's bedroom chair, the major profile of which was from an unknown male who was not Defendant Holtzclaw	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time	FRE 401, FRE 403
12.	OCPD DNA Lab Forensic Examination Report and Bench Notes for Lab No. SD-14-399, reported 10/07/2015 by Elaine Taylor, Senior Forensic Scientist, providing her analysis that no DNA was detected in swabs from male and female underwear obtained from Plaintiff Grate's bedroom	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time	FRE 401, FRE 403
13.	The Case Review, dated 11/10/2015, of <i>State v. Daniel Holtzclaw</i> , Case No. CF-2014-5869 by Dr. Brandt Cassidy, Ph.D., Defendant Holtzclaw's trial defense DNA expert hired by defense counsel Mr. Scott Adams	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
14.	OCPD lab manager Campbell Ruddock's 02/23/2017 memo to all DNA unit analysts about a required annual review of code of ethics in the forensic field, in which he noted that "maintaining scope during testimony was also discussed at length, especially with regards to DNA transfer and contact/trace assumptions" and he required analysts to read the 2013 article by Jamieson and Meakin on trace DNA (Meakin and Jamieson, <i>DNA Transfer Review and Implications for Casework</i> , 7 FSI GENETICS 434 (2013))	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time	FRE 401, FRE 403
15.	OCPD DNA lab Contamination Event Logs of Elaine Taylor from 2012-2014	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time	FRE 401, FRE 403

16.	The Oklahoma Court of Criminal Appeals opinion in <i>Webster v. State</i> 252 P.3d 259 (2011) describing Elaine Taylor's testimony, about which the Court stated, "¶ 72 This Court finds that the expert testimony in this case was allowed to exceed the acceptable limits for such testimony [...] and "¶ 86 [...] portions of the testimony of these witnesses surpassed the boundaries of proper expert testimony."	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
17.	Affidavit of Michael J. Spence, Ph.D., signed 02/02/2021, about forensic science errors and perjury by the State of Oklahoma in the case of <i>Oklahoma v. Daniel K. Holtzclaw</i> before former District Judge Henderson in Oklahoma County District Court Case No. CF-2014-5869	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
18.	Dr. Spence's Exhibit 1: Michael J. Spence, Ph.D., Curriculum Vitae		
19.	Dr. Spence's Exhibit 14: Summary of Opinions, dated 07/01/2020, by DNA expert Michael J. Spence, Ph.D., about OCPD forensic analyst Elaine Taylor's forensic analysis in Defendant Holtzclaw's case	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
20.	Dr. Spence's Exhibit 2: Affidavit of DNA expert Michael J. Spence, Ph.D., signed 01/30/2017, about OCPD forensic analyst Elaine Taylor's forensic analysis in Defendant Holtzclaw's case	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
21.	Dr. Spence's Exhibit 5: OCPD images of photos taken by OCPD forensic analyst Elaine Taylor of Defendant Holtzclaw's Uniform Pants	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time	FRE 401, FRE 403
22.	Dr. Spence's Exhibit 11: Dr. Spence's data on the range of DNA yields from vaginal secretions in his casework	Irrelevant; Probative value outweighed by risk of confusing the	FRE 401, FRE 403, FRE 802

		issues and wasting time; Hearsay	
23.	Dr. Spence's Exhibits 3, 4, and 5: Video statements made by Prosecutor Gayland Gieger about Holtzclaw case DNA evidence in print and video interviews with KOKO 5 News' Erielle Reshef (air date 02/05/2016) and KFOR News' Ali Meyer (air date 12-13-2016)	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
24.	Dr. Spence's Exhibit 10: Video and transcript excerpts from Defendant Holtzclaw's deposition on 10/21/2019 in which he describes how pat searches and the science of DNA indirect transfer explain the female and male DNA found on the fly of his uniform pants	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay; improper lay opinion testimony	FRE 401, FRE 403, FRE 802, FRE 701
25.	Scientific article by Sarah Jones & Kirsty Scott, <i>The Transfer of DNA Through Non-intimate, Social Contact</i> , 50 SCIENCE AND JUSTICE 100 (2010)	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
26.	Dr. Spence's Exhibit 8: Scientific article by Sarah Jones, Kirsty Scott, J. Lewis, G. Davidson, J.E. Allard, C. Lowrie, B.M. McBride, L. McKenna, G. Teppett, C. Rogers, N. Clayson & A. Baird, <i>DNA Transfer Through Nonintimate Social Contact</i> , 56 SCIENCE AND JUSTICE 90 (2016)	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
27.	Scientific article by Mariya Goray, Roland A.H. van Oorschot & John R. Mitchell, <i>DNA Transfer within Forensic Exhibit Packaging: Potential for DNA Loss and Relocation</i> , 6 FORENSIC SCIENCE INT'L: GENETICS 158, 165-166 (2012)	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802

28.	Scientific article by Georgina Meakin & Allan Jamieson, <i>DNA Transfer: Review and Implications for Casework</i> , 7 FORENSIC SCIENCE INT'L: GENETICS 434 (2013)	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
29.	Scientific article by Mariya Goray & Roland A.H. van Oorschot, <i>The Complexities of DNA Transfer During a Social Setting</i> , 17 J. OF LEGAL MEDICINE 82 (2015)	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
30.	Scientific article by Cynthia M. Cale, Madison E. Earll, Krista E. Latham & Gay L. Bush, <i>Could Secondary DNA Transfer Falsely Place Someone at the Scene of a Crime?</i> 61 J. OF FORENSIC SCIENCES 196 (2016), published online Sept. 2015	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
31.	Scientific article by Janine Helmus, Thomas Bajanowski & Micaela Poetsch, <i>DNA Transfer - a Neverending Story. A Study on Scenarios Involving a Second Person As Carrier</i> , 130 INT'L J. LEGAL MED. 121 (2016), published online Oct. 27, 2015 https://link.springer.com/article/10.1007/s00414-015-1284-1 .	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
32.	Scientific article by Bianca Szkuta, Kaye N Ballantyne & Roland A H van Oorschot, <i>Transfer and persistence of DNA on the hands and the influence of activities performed</i> , 28 FORENSIC SCIENCE INT'L: GENETICS 10 (2017) https://www.sciencedirect.com/science/article/abs/pii/S1872497317300066	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802

33.	Dr. Spence's Exhibit 7: Scientific article by Roland A.H. van Oorschot, Bianca Szkuta, Georgina E. Meakin, Bas Kokshoorn & Mariya Goray, <i>DNA transfer in forensic science: A review</i> , 38 FORENSIC SCIENCE INT'L: GENETICS 140 (2019)	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
34.	Report on Scientific Issues in the Case of <i>Oklahoma v. Daniel K. Holtzclaw</i> by an International Panel of Forensic Experts, published July 25, 2017, by Peter Gill, Ph.D., Jane Goodman-Delahunty, Ph.D., J.D., Suzanna Ryan, M.S., Moses S. Schanfield, Ph.D., George Schiro, M.S., and Brent E. Turvey, Ph.D.	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
35.	Forensic Report on Crime Scene and Case Linkage Analysis of the Holtzclaw Case (2020) by Brent E. Turvey Ph.D. and Dr. Aurelio Coronado Mares Ph.D.	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
36.	Affidavit of eyewitness expert Jeffrey Scott Neuschatz, Ph.D., signed 02/17/2021, about the Holtzclaw case	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
37.	Photographs of former OCPD officers Alex Edwards and Defendant Holtzclaw	Irrelevant; probative value outweighed by risk of confusing the issues and wasting time.	FRE 401, FRE 403
38.	Findings of Fact, Conclusions of Law and Opinion, filed 08/21/2006 in <i>Fraternal Order of Police, Lodge 123, Complainant, v. City of Oklahoma City, Respondent</i> , Case No. 00432, before the Public Employee Relations Board State of Oklahoma, about OCPD Officer Jeff Sellers	Irrelevant; probative value outweighed by risk of confusing the issues and wasting time.	FRE 401, FRE 403

39.	News reports about OCPD Officer Jeff Sellers: Ken Raymond (Jan. 31, 2006) City police officer fired after internal investigation, <i>The Oklahoman</i> ; Ken Raymond and Bryan Dean (May 27, 2007) Do police get a pass, <i>The Oklahoman</i>	Irrelevant; probative value outweighed by risk of confusing the issues and wasting time.	FRE 401, FRE 403
40.	Map showing Defendant Holtzclaw's patrol car AVL data points on 05/07/2014 and the alleged location of his patrol car where Plaintiff Ellis alleges she was raped by the officer		
41.	Lists of Defendant Holtzclaw's Varuna and Crime Information Unit (CIU) records checks		
42.	Det. Davis's List of 34 "Contacted Women Who Said They Were Not Assaulted By An Officer," DISCOVERY Items MISC #6-7 in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF-2014-5869 (Okla. Cty. Dist. Ct.)	Irrelevant; probative value outweighed by risk of unfair prejudice, confusing the issues, and wasting time.	FRE 401, FRE 403
43.	Chart of OCPD's list of non-accuser women's names and the dates when Defendant Holtzclaw ran their names through Varuna or CIU	Irrelevant; probative value outweighed by risk of unfair prejudice, confusing the issues, and wasting time.	FRE 401, FRE 403
44.	Prosecutor Gieger's Motion to Increase Bond (09/26/2014) in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF-2014-5869	Irrelevant	401
45.	Defendant Holtzclaw's Pre-determination Hearing Transcript from 12/11/2014 and 12/23/2014		
46.	Termination memo from Defendant City to Defendant Holtzclaw on 01/08/2015		

47.	Transcripts of court proceedings in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF-2014-5869 (Okla. Cty. Dist. Ct.), including the Bond Increase Motion Hearing (10/02/2014), Preliminary Hearing, Trial, and Motion for New Trial and Sentencing	Hearsay	FRE 802
48.	Exhibits used in the jury trial in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF-2014-5869 (Okla. Cty. Dist. Ct.)	This item is too vague for Plaintiffs to assert any objections.	
49.	Media footage of protesters chanting and shouting outside the Oklahoma County Courthouse during the jury trial in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF-2014-5869 (Okla. Cty. Dist. Ct.)	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusing the issues, and wasting time. Defendant Holtzclaw is precluded from relitigating his convictions for his crimes against Plaintiffs Ligons, Johnson, and Copeland.	FRE 401, FRE 403
50.	Statements given to the media by former OCPD Police Chief Bill Citty, Oklahoma County District Attorney David Prater, Prosecutor Gayland Gieger, Prosecutor Lori McConnell, Det. Rocky Gregory, and Det. Kim Davis about Defendant Holtzclaw's case	Probative value outweighed by risk of unfair prejudice	FRE 403
51.	Statements given to the media by jurors Daniel Speaks and Ronald Hill after the jury trial in <i>State of Oklahoma v. Daniel Holtzclaw</i> , Case No. CF-2014-5869 (Okla. Cty. Dist. Ct.)	Irrelevant; Probative value outweighed by risk of unfair prejudice; Hearsay	FRE 401, FRE 403, FRE 802

52.	Scientific article by Jan Dirk Blom & Esmeralda Mangoenkarso, <i>Sexual Hallucinations in Schizophrenia Spectrum Disorders and Their Relation With Childhood Trauma</i> , 9 FRONT PSYCHIATRY 193 (2018)	Irrelevant; Probative value outweighed by risk of confusing the issues and wasting time; Hearsay	FRE 401, FRE 403, FRE 802
53.	Plaintiff Ellis 's mental health records from Red Rock Medication Clinic, Red Rock Behavioral Health Services, Physician's Progress Note (Assessment Date 04/02/2015) and from HOPE Community Services, Inc., (Assessment Date 09/03/2015)		
54.	Plaintiff Gardner 's mental health records from Shadow Mountain Behavioral Health System in Tulsa, OK (Date of Admission 07/08/2014, Date of Service 07/09/2014)		

<p>55.</p>	<p>Plaintiff Gardner's police and court records, such as police reports and probable cause affidavits, for cases against her, including the following: Oklahoma County District Court Case Nos. CPC- 2015-5611 (machete incident), CF-2018- 4756 (Assault and Battery upon a Police or Other Law Officer), CF-2018-5415 (Assault and Battery with a Dangerous Weapon, Malicious Injury and Destruction of Property), CM-2019-997 (Possession of a CDC - Methamphetamine), and CPC-2020-1154 (Arson in the 3rd Degree, Resisting Arrest); Muskogee County District Court, Oklahoma, Case Nos. CM-2015-00199 and CF-2016-00031; Rogers County District Court, Oklahoma, Case Nos. CF-2020-651 and CM-2020-913 (Probable Cause Affidavits and Information state that Ms. Gardner, while knowing she had infectious diseases (Hepatitis A and C), spat in the face of in the face of detention officer, and then later assaulted an inmate including by hitting her numerous times in the face, and stated, "I hit her and I am not sorry that I did"; Lawrence County, Missouri, 39th Judicial Circuit Court, Case No. 20LW-CR00181-01, leading to two 5-year sentences running concurrently, with start date 02-09-2021, for two counts of Burglary in the 2nd degree (court records include the Mt. Vernon PD Probable Cause Statement on 02/27/2020 by Officer Tannya Benitez leading to Ms. Gardner's arrest for Terroristic Threats, Resisting Arrest, and Property Damage; and the LBS Monitoring Services Non-Compliance Report from 06/27/2020, which states that Ms. Gardner reportedly was tearing apart a house with a hammer and cutting her own hair and</p>	<p>Probative value outweighed by risk of unfair prejudice and wasting time; Hearsay</p>	<p>FRE 403, FRE 802</p>
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	<p>gluing it to her face, after which Ms. Gardner told the LBS Monitoring Services officer that she (Ms. Gardner) had died in the “freeze” in the 1800s and many other stories; the LBS Monitoring Services Report concludes, “It was obvious she was in some kind of psychotic state,” and describes that Ms. Gardner later resisted arrest and was transported to the Grand Lake Mental Health Center in Pryor, OK, for an evaluation); Circuit Court of Carroll County, Arkansas, Case No. 08ECR 2020-63 ED (arrested on 03/28/2020) where Ms. Gardner initially pleaded not guilty, but then accepted a plea bargain and pleaded guilty to Battery 2nd degree of a Law Enforcement Officer, Resisting Arrest, Disorderly Conduct, Obstructing Governmental Ops, and Theft of Property; Tarrant County, Texas, arrest (09/09/2019) for Criminal Trespass of a Habitation and other charges</p>		
<p>56.</p>	<p>OCPD audio interview of Plaintiff Gardner’s mother, Ms. Amanda Gates, by Det. Kim Davis on 10/03/2014, when Ms. Gates said that about two-and-a-half months earlier, on the day when she wrote up her daughter Ms. Gardner as a runaway and for disorderly conduct at 44th and Shields, that night when Ms. Gates came home, her daughter was standing outside her home and said, “I met this really hot cop. He told me I had a couple warrants but he said don’t worry about it. He gave me his number, and we’re going to go out on dates. He was really nice and sexy and he’s going to be calling me,” and then later that night the officer called Ms. Gates, and “he</p>	<p>Hearsay; improper character evidence of a victim of sexual assault; probative value outweighed by risk of wasting time</p>	<p>FRE 802, FRE 412, FRE 403</p>

	said he was officer so-and-so [...] and that he wanted to talk to Adaira. And that's when I cussed him out, and I was like, well, she's only 17 and he's talking to her like that, and I hung up on him." Ms. Gates said she hung up on the officer before he could reply and explain the reason he was contacting her about her daughter		
57.	Plaintiff Ligons' OCPD arrest records and court case records including for OCPD Case No. 15-007348 from 04/11/2018 when Ms. Ligons was stopped for Illegal Tag Display; Spencer, OK, police reports and court records from her arrest on 07/04/2020 by the Spencer Police Department for speeding 20 miles over the speed limit, running a stop sign, driving on a suspended license, having an invalid license plate, and failing to comply with compulsory insurance law; Oklahoma County District Court records of lawsuits against Ms. Ligons for indebtedness	Hearsay; improper character evidence; irrelevant; probative value outweighed by risk of unfair prejudice	FRE 802, FRE 404, FRE 403, FRE 401
58.	Plaintiff Grate's court records for cases against her including: Oklahoma County District Court Case No. CF-2013-561 (arrested 01/16/2013 for possession of cocaine); Oklahoma County District Court Case CF-2013-7725 (arrested 09/30/2013 for unauthorized use of a motor vehicle, possession of cocaine, attempting to elude officer); Oklahoma County District Court Case No. CF-2014-7441 (arrested 07/18/2014 and pleaded guilty to Unauthorized Use of Vehicle and Aggravated Attempting to Elude a Police Officer); Oklahoma County District Court Case No. CM-2014-2946 (arrested 08/26/2014 for Making a False 911 Emergency Telephone Call, Obstructing an Officer, and Possession of Drug	Hearsay; improper character evidence; irrelevant; probative value outweighed by risk of unfair prejudice	FRE 802, FRE 404, FRE 403, FRE 401

	Paraphernalia); Oklahoma County District Court Case No. CPC-2018-8913 for her arrest by OCPD on 11/01/2018 for an incident involving attempted robbery, assault of two victims, and resisting arrest; her arrest on 06/26/2020 for felony robbery, assault and battery, larceny and unauthorized use of a motor vehicle, for which Oklahoma County DA Prater declined to file charges; Oklahoma County District Court Case No. CF-2020- 4097 (arrested 08/02/2020 for unauthorized use of a vehicle; unlawful possession of cocaine and drug paraphernalia); her arrest on 02/02/2021 by the Oklahoma County Sheriff for unauthorized use of a vehicle, possession of CDS and drug paraphernalia		
59.	Statement given to media (KFOR News) by OCPD MSgt. Gary Knight about Plaintiff Grate 's arrest on 08/26/2014 for making a false 911 call alleging a shooting at her home at 633 Culbertson Drive to attempt to get out of a traffic stop: "She called 911 to report a shooting at a nearby location. Well, there wasn't a shooting. It was a fake call in order to get the officer off the traffic stop so he would go to the shooting call." (Oklahoma News4 (August 28, 2014) <i>Hoping to escape traffic ticket, OKC woman calls 911 to report shooting</i>)	Hearsay; probative value outweighed by risk of unfair prejudice	FRE 802, FRE 403
60.	Statement given to media by Willie Earl Carter about his friend, Plaintiff Grate , after her arrest on 08/26/2014 for obstructing an officer, possessing drug paraphernalia, and attempting to avoid a traffic ticket by making a false 911 call that a shooting had occurred at their residence, 633 Culbertson Drive, the same location where later Ms. Grate would allege she was sexually assaulted by an officer; Mr. Carter said about Plaintiff Grate: "She's	Hearsay; probative value outweighed by risk of unfair prejudice; improper character evidence	FRE 802, FRE 403; FRE 404, FRE 608

	<p>slick. She's not a citizen. She's a criminal. She's a schemer and con woman and she played her last trick."(Oklahoma News 4 (August 28, 2014) <i>Hoping to escape traffic ticket, OKC woman calls 911 to report shooting</i>, https://kfor.com/news/okc-woman-allegedly-calls-911-to-report-shooting-to-try-and-escape-traffic-ticket/)</p>		
61.	<p>Plaintiff Barnes' arrest and court records including for Dallas County, TX, judicial cases MB1664185 and MB1664186 (following her arrest on 12/26/2016 for failure to identify fugitive intent and give false information, theft of property, and assault and battery); her arrest and booking on 12/20/2017 by the Oklahoma County Sheriff's Office for false personation, interfering with official process, larceny, and threatening to perform an act of violence; and her arrest on 05/12/2021 by Arlington PD, Texas, for public intoxication, failure to identify fugitive intent and giving false information (Probable Cause affidavit from Arlington PD Case # 2021-01320028)</p>	<p>Hearsay; probative value outweighed by risk of unfair prejudice; improper character evidence</p>	<p>FRE 802, FRE 403; FRE 404, FRE 608</p>
62.	<p>Image of Plaintiff Lyles' Facebook Post on 12/13/2016, containing a meme that states: "The best revenge is to get money and leave these fuck niggas alone."</p>	<p>Irrelevant; Probative value outweighed by risk of unfair prejudice</p>	<p>FRE 401, FRE 403</p>
63.	<p>OCPD Operations Manual, Fourth Edition, Updated July 2013, Procedure 105.0 on RELATIONSHIPS BETWEEN DEPARTMENT EMPLOYEES: "All employees should avoid situations, which give rise to an actual or apparent conflict between their professional responsibilities and their relationships with other employees. However, should such a situation develop, it is the duty of the involved employee(s) to immediately</p>	<p>Irrelevant</p>	<p>FRE 401</p>

	notify their commanding officer, either in person or through the chain of-command, or directly notify their Bureau Chief.”		
64.	OCPD Lab Services Division DNA Procedure Manual, Rev 0, Issue Date 11/12/2013 Section 13 on Report Writing, which states that the analyst should note for each sample “whether interpretable results, non-interpretable results or no results were obtained” from a given sample	Irrelevant; Probative value outweighed by risk of confusing the issues, misleading the jury	FRE 401, FRE 403
65.	OCPD Evidence Handling Procedure Manual, Rev 2, 08/05/2015, procedure for long-term evidence storage, which states: “F. Long-Term Evidence Storage. With the exception of the Latent Prints Unit, long-term storage of evidence is not a function of the Laboratory. All DNA, Drug, and Firearms Laboratory evidence is returned to the Police Department’s control as soon as possible after analysis following the procedures described above.”	Irrelevant	FRE 401
66.	OCPD Operations Manual, Fourth Edition, Updated July 2013, Policy 231.0 PUBLIC STATEMENTS: “Members of the general public tend to assign great credibility and weight to the word of police employees. As such, indiscreet, inaccurate, or incomplete statements made by police employees have great potential to cause irreversible damage to individual reputations, as well as to the reputation of the Department. For that reason, truth, accuracy, objectivity, and due regard for the rights and privacy of individuals must characterize all statements of law enforcement employees who supply	Irrelevant; Hearsay	FRE 401, FRE 802

	information to the public, either directly or indirectly.”		
67.	OCPD Operations Manual, Fourth Edition, Updated July 2013, Policy 232.0 on COURT TESTIMONY: “When testifying in court, employees shall present evidence honestly and without bias or prejudice. The sole object shall be to give evidence as the employee has knowledge of it. The employee shall not identify with the prosecution or defense, but provide evidence on the basis of actual fact.”	Irrelevant; Probative value outweighed by risk of wasting time	FRE 401, FRE 403
68.	OCPD Operations Manual, Fourth Edition, Updated July 2013, Procedure 239.10 about PHOTO LINEUPS: “All photo lineups will be administered using the sequential photo lineup method utilizing a blind administrator. The investigating officer will not be in the room when the photographs are presented to the witness/victim” and defines a blind Administrator as, “A sworn police officer/investigator who administers the presentation of the lineup to the witness/victim and does not know the identity of the suspect.”	Hearsay	802

69.	OCPD Operations Manual, Fourth Edition, Updated July 2013, Procedures of Investigation Bureau, Procedure 334.0, FOLLOW-UP REPORTS: “A typed report must be made before making case disposition. [...] A follow-up report on a pending case should be a typed report indicating the facts/evidence/ information/which relates to the investigation. Include all actions the investigator has taken and information received from the victim, witness, suspect, etc. The disposition should briefly indicate why the case was pending. Again, the body should reflect some details of the investigation in chronological order.”		
70.	OCPD Operations Manual, Fourth Edition, Updated July 2013, Rule 120.0, TRUTHFULNESS / COOPERATION: “Testifying, making reports, or conducting business in a less than truthfule and cooperative manner is prohibited.”	Hearsay	802
71.	All Plaintiffs’ Responses to the Interrogatories by Defendants City, City, and Gregory		
72.	Transcripts of all depositions conducted as part of this case	As to Defendant Holtzclaw and witnesses who are or were employees of the City of Oklahoma City: Hearsay	FRE 802
73.	All exhibits used in any deposition conducted as part of this case	This item is too vague for Plaintiffs to assert any objections.	
74.	All exhibits listed by other Defendants not otherwise objected to by this Defendant		
75.	All exhibits listed by Plaintiffs not otherwise objected to by this Defendant		

76.	Any testimony, evidence, or official documents that may be produced in the litigation due to sexual assault allegations by Oklahoma County Assistant District Attorneys and other attorneys against former Judge Henderson, who resigned in April 2021 after being suspended from judicial duties in March 2021	Irrelevant; hearsay; probative value outweighed by risk of confusing the issues and wasting time	FRE 401, FRE 802, FRE 403
77.	The document, "Appellant's Objection to Judge Henderson's <i>Ex Parte</i> Findings of Fact and Conclusions of Law, filed 08-28-2017 in <i>Daniel K. Holtzclaw, Appellant, v. The State of Oklahoma, Appellee</i> (Case No. F-2016-62) in the Oklahoma Court of Criminal Appeals	Irrelevant; hearsay; probative value outweighed by risk of confusing the issues and wasting time	FRE 401, FRE 802, FRE 403
78.	Discovery is ongoing. Defendant reserves the right to supplement this list		

EXHIBITS WHICH MAY BE USED:

No.	Exhibit	Objection	Rule Relied Upon
79.	OCPD list, provided on 04/23/2019 in response to a request under the Oklahoma Open Records Act, of Defendant Holtzclaw's use-of-force incidents from 09/16/2011 until 06/18/2014, all of which were reported by Holtzclaw, not by persons making a complaint about a use of force	Hearsay; probative value outweighed by risk of unfair prejudice, confusing the issues, misleading the jury, and wasting time.	FRE 802, FRE 403
80.	OCPD audio recording of Christopher Shelton's 911 call on 05/24/2014 about Plaintiff Morris, whom he was trying to help while she was drunk and something was wrong with her, she was tearing up his car, throwing her CDs out of the car, and then she alleged that an officer had raped her the other night	Hearsay; improper character evidence; probative value outweighed by risk of unfair prejudice	FRE 802, FRE 404, FRE 403

81.	Statements made by the Plaintiffs' attorneys Benjamin Crump and Melvin Hall about the Holtzclaw case forensic evidence on TV One's "Justice By Any Means: Jannie Ligon's" TV show that aired 10/24/2016 on which Mr. Crump stated, "They had his DNA evidence inside one of the victim's panties," and Mr. Hall stated, "They found vaginal DNA material on the inside of his trousers and that vaginal DNA matched the DNA of the 17-year-old."	Irrelevant; probative value outweighed by risk of unfair prejudice, confusing the issues; hearsay.	FRE 401, FRE 403, FRE 802
82.	OCPD Elaine Taylor's email that she sent on 12/06/2016 about statements made by the Plaintiffs' attorneys Benjamin Crump and Melvin Hall about the Holtzclaw case forensic evidence on the TV One show, "Justice by Any Means."	Irrelevant; probative value outweighed by risk of unfair prejudice, confusing the issues; hearsay.	FRE 401, FRE 403, FRE 802
83.	<p>All Investigative Records, Reports, and Documents generated or obtained by OCPD officers in the following cases, which the prosecution declined to prosecute because the allegations were deemed not to be credible, including, but not limited to, photographs taken of scenes, AVL of Defendant Holtzclaw's vehicle, Defendant Holtzclaw's Varuna and CIU records, dispatch tapes, records of his radio communication, recordings of interviews with accusers, all police reports, all audio and/or video recordings, and letters received from the accusers:</p> <ul style="list-style-type: none"> ● 14-073422 (T. Hendrix) ● 14-073413 (S. Barksdale) ● 14-092553 (S. Goff) ● 15-006145 (T. Dunn) ● 15-103799 (P. Locke) ● 16-001494 (D. Green) <p>(Helen Washington)</p>	Irrelevant; probative value outweighed by risk of unfair prejudice, confusing the issues, misleading the jury; hearsay.	FRE 401, FRE 403, FRE 802

84.	OCPD records, including the videotaped interview, and Oklahoma County District Court documents about Shaneice Barksdale, who admitted to making false allegations against Defendant Holtzclaw and was charged with the criminal felony of Falsely Reporting a Crime in Oklahoma County District Court Case No. CF-2015-1595 (filed 03/04/2015), but was convicted of a misdemeanor after the State requested that the felony charge be dismissed on 04/08/2015 and recharged as only a misdemeanor in Case No. CM- 2015-1413	Irrelevant; probative value outweighed by risk of unfair prejudice, confusing the issues, misleading the jury; hearsay.	FRE 401, FRE 403, FRE 802
85.	Video statement given by Shakara Walker to Oklahoma News 9 during an interview airing on 08/22/2014, during which she alleged, “As I was walking to the house, he tried to grab me and make it seem like he was gonna rape me” and he had his uniform and police car, but OCPD then told News 9 that OCPD believed her allegation was false because Defendant Holtzclaw had been on paid administrative leave for the last month, without his patrol car	Irrelevant; probative value outweighed by risk of unfair prejudice, confusing the issues, misleading the jury; hearsay.	FRE 401, FRE 403, FRE 802
86.	Video statement given by Steven Lane Shaw, former Oklahoma News 9 reporter who interviewed Shakara Walker, broadcasting about her allegation on the 08/22/2014 news, and reporting, “Daniel Holtzclaw’s worked out of this precinct for the last three years. Investigators say there could be more victims, and, when you hear what you’re about to hear, there just may be! [...] Regardless of what this guy does for a living, it’s good to get him off the street.”	Irrelevant; probative value outweighed by risk of wasting time; hearsay.	FRE 401, FRE 403, FRE 802
87.	Statements given to media by Grace Franklin about coordinating protests and chanting during Defendant Holtzclaw’s trial	Irrelevant; probative value outweighed by risk of wasting time; hearsay.	FRE 401, FRE 403, FRE 802

88.	Accuser Florence Mathis' OCPD arrest records, including OCPD Case Nos. 14-043587 and 14-054943 for her arrests on 05/30/2014 and 07/07/2014, respectively, and court case documents, including for Oklahoma County District Court Case No. CF-2014-4578 for Assault and Battery with a Dangerous Weapon (including the Information, Guilty Plea, and the Oklahoma County District Attorney's court filings related to revoking Ms. Mathis' suspended sentence prior to Mr. Holtzclaw's criminal trial)	Hearsay; probative value outweighed by risk of unfair prejudice; improper character evidence	FRE 802, FRE 403; FRE 404, FRE 608
89.	Scientific article by Farmen <i>et al.</i> , <i>Spermatozoa recovered on laundered clothing</i> , FORENSIC SCIENCE INT'L: GENETICS 418-420 (2008)	Irrelevant; Hearsay	FRE 401, FRE 802
90.	Statements by OCPD Major Jason Clifton to news media about the deposition testimony that OCPD used to burn evidence kits in a "big old hole down by the hole down by the river," about which Major Clifton stated, "We don't do it, we've never done it. We have no OCPD property where there's a standard hole where we destroy rape kits." (Shevaun Bryan (Feb. 14, 2019) <i>Oklahoma City PD responds to allegations of "untested, lost, burned, and buried" rape kits</i> , Oklahoma News 4, https://kfor.com/news/oklahoma-city-pd-responds-to-allegations-of-untested-lost-burned-and-buried-rape-kits/)	Irrelevant; probative value outweighed by risk of wasting time; hearsay	FRE 401, FRE 403, FRE 802

91.	Police reports by Det. Davis describing her interview with Plaintiff Ligons , followed by an OCPD meeting on 06/18/2014 about Plaintiff Ligons' allegations. Det. Davis states that detectives talked with Captain Clifton about Plaintiff Ligons' physical description of her alleged assailant. Captain Clifton alleged that everyone's hair looks blonde in the L.E.D. lights on patrol car, in his effort to explain part of the discrepancy between Defendant Holtzclaw's appearance and Plaintiff Ligons' description of him as 5'7" - 5'9" tall, with blond hair parted on the right side, and skin that was not smooth. Det. Davis's report also states that Plaintiff Ligons had, before driving, been smoking marijuana and had taken two "pain relief P.M. pills" for her headache 1.5 hours before being stopped by Defendant Holtzclaw	Irrelevant; Probative value outweighed by risk of unfair prejudice, confusing the issues, and misleading the jury; hearsay. Defendant Holtzclaw is precluded from relitigating his conviction for his crimes against Plaintiff Ligons.	FRE 401, FRE 403, FRE 802
92.	Scientific article by Nathan Pearson and James Berry, <i>Cannabis and Psychosis Through the Lens of DSM-5</i> , 16 INT. J. OF ENVIRONMENTAL RESEARCH AND PUBLIC HEALTH 4149 (2019)	Irrelevant; Hearsay	FRE 401, FRE 802
93.	Scientific article by Jonna Perala <i>et al.</i> , <i>Alcohol-induced psychotic disorder in the general population</i> , 197 BRITISH J. OF PSYCHIATRY 200 (2010), which states that "psychotic symptoms can occur in several clinical conditions related to alcohol such as intoxication, withdrawal, alcohol-induced psychotic disorder and delirium," and "[I]n alcohol treatment settings, 2-7% of patients with alcohol dependence had alcohol hallucinosis [...]."	Irrelevant; Hearsay; Probative value outweighed by risk of unfair prejudice	FRE 401, FRE 802, FRE 403

94.	Scientific article by Blayne Knapp <i>et al.</i> , <i>Delusional Parasitosis in a Patient with Alcohol-induced Psychotic Disorder</i> , 11(3) CUREUS 1 (2019), which describes hallucinations of a 55-year-old woman suffering from alcohol-induced psychotic disorder who “reported a delusion that three men had broken into her home with the intent to harm her and her daughter.”	Irrelevant; Hearsay; Probative value outweighed by risk of unfair prejudice	FRE 401, FRE 802, FRE 403
95.	Scientific article by Soon-Jai Kwon <i>et al.</i> , <i>Appetite Suppressor Induced Psychosis</i> , 8(3) CLINICAL PSYCHOPHARMACOLOGY AND NEUROSCIENCE 170 (2010)	Irrelevant; Hearsay; Probative value outweighed by risk of unfair prejudice	FRE 401, FRE 802, FRE 403
96.	Scientific article by Hyun-Sic Jo <i>et al.</i> , <i>Recurrent Psychosis after Phentermine Administration in a Young Female: A Case Report</i> , 17(1) CLINICAL PSYCHOPHARMACOLOGY AND NEUROSCIENCE 130 (2019)	Irrelevant; Hearsay; Probative value outweighed by risk of unfair prejudice	FRE 401, FRE 802, FRE 403
97.	Scientific article by Gisli H. Gudjonsson, <i>Psychological vulnerabilities during police interviews. Why are they important?</i> 15 LEGAL AND CRIMINOLOGICAL PSYCHOLOGY 161 (2010)	Irrelevant; Hearsay; Probative value outweighed by risk of unfair prejudice	FRE 401, FRE 802, FRE 403
98.	Scientific article by Roger Koppl & Meghan Sacks, <i>The criminal justice system creates incentives for false convictions</i> , 32(2) CRIMINAL JUSTICE ETHICS 126 (2013)	Irrelevant; Hearsay; Probative value outweighed by risk of unfair prejudice. Defendant Holtzclaw is precluded from relitigating his conviction for his crimes against Plaintiffs Ligons, Copeland, and Johnson.	FRE 401, FRE 802, FRE 403
99.	The Plaintiffs’ OSBI and Varuna criminal background reports providing their history	Irrelevant; Probative value outweighed by risk of unfair	FRE 401, FRE 403, FRE 404,

	of arrests, convictions, previous allegations, aliases, and other criminal justice information.	prejudice; Improper character evidence; Hearsay	FRE 802
100.	Email (OKC 0103) on 08/15/2014 from OCPD Major Denise Wenzel to Chief Johnny Kuhlman: "Victim #6 did not keep her appointment this morning and Rocky has not been able to find her. He's went to her house several times today with no success. He will keep trying but she's a known crack addict who was tweaking pretty hard yesterday. He will keep searching. Kim found another victim today, putting us at seven, but we do not have an interview yet. She was discovered when Kim contacted her father. He confirmed his daughter was sexually assaulted by an officer and told him about it the night it happened. They did not call the police. Kim has not been able to find the victim yet, but is still trying. Regardless, she feels confident shewill find her and are listing her as a victim. Rocky and Rob are going to be out some over the weekend trying to make contact with some of our victims who sleep throughout the day. Maybe a time shift will help us."	Hearsay; improper character evidence	FRE 802, FRE 404

101.	Email (OKC 0273) on 12/04/2014 from Vance Allen (Captain, Office of Professional Standards, OCPD) to Ron Bacy in which Mr. Allen writes, "While printing the reports related to Janne [<i>sic</i>] Ligons (Inc # 14-049050) I discovered reports are missing from the case in Varuna. This has caused issues in court in the past. If you pull up the case and look at the pages of the list of the reports under that case #, supp. reports #36-41 are missing. Do you have any idea what happened to them? Usually what this means is that somebody started a report but then, for whatever reason, deleted the report. Can you advise?"	Irrelevant; Hearsay; Probative value outweighed by risk of wasting time. Defendant Holtzclaw is precluded from relitigating his conviction for his crimes against Plaintiffs Ligons, Copeland, and Johnson.	FRE 401, FRE 802, FRE 403
102.	OKC 37530-31, OKC 37578, Emails from Major Brian Jennings reminding officers on 04/22/2014, "The goal of VIPER is to target violent criminal activity and criminal activity in general by being proactive. This can involve pulling warrants to go pick up, walk throughs, jumpouts, traffic, etc."; and on 05/21/2014, "Over the past few months crime stats have risen significantly in bothVIPER zones so please very proactive, especially with gang members."		
103.	OKC 011592-011594, Memorandum from Lt. Arthur Gregory to Captain Bill Patton on 04/09/2014, about E.I.P./OfficerDaniel Holtzclaw, 1782, which includes the following statement: "Officer Holtzclaw's job performance is exemplary. [...] Officer Holtzclaw enjoyshis job and continually strives to improvehis performance. He is committed to his job and displays a positive attitude. Officer Holtzclaw is a proactive police officer that actively performs the policefunction on a consistent	Hearsay; probative value outweighed by risk of unfair prejudice	FRE 802; FRE 403

	basis.”		
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In addition to the foregoing objections, Plaintiffs object to the following items on the grounds that such items have never been disclosed or produced to Plaintiffs by Defendant Holtzclaw: 2, 13, 17, 23, 34, 35, 36, 37, 38, 39, 45, 48, 49, 50, 51, 57, 62, 76, 77, 81, 82, 83, 84, 85, 86, 87, 99.

Respectfully Submitted,

SOLOMON SIMMONS LAW, P.L.L.C

/s/Kymerli J. M. Heckenkemper

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