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

STATE OF OKLAHOMA,)
)
 Plaintiff,)
 vs.)
)
 DANIEL K. HOLTZCLAW,)
)
 Defendant.)

CASE NO.: CF-2014-5869

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

MAY 13 2016

TIM RHODES
COURT CLERK

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TRANSCRIPT OF THE JURY TRIAL

HAD ON THE 2ND DAY OF DECEMBER, 2015,
BEFORE THE HONORABLE TIMOTHY R. HENDERSON,
DISTRICT JUDGE IN AND FOR OKLAHOMA COUNTY,
OKLAHOMA CITY, OKLAHOMA

* * * * *

VOLUME XVII OF XVIII

REPORTED BY: Kristin L. Taylor, RPR

1 Q All right. Now, ma'am, that same process continues
2 does it not and did you get a DNA profile in regards to the
3 pants?

4 A I did yes, sir.

5 Q All right. And when I go to that, if I look at what
6 you have -- what I have on Exhibit -- page 12 of 15, item
7 17Q1, it is the pants' left fly and item 17Q2 is the pants'
8 right fly; is that correct?

9 A That is correct, yes.

10 Q Now if you just -- again, I'm just looking at the first
11 three. See what's on the TV screen so we're all talking the
12 same thing?

13 A Yes.

14 Q Did you obtain a profile -- first of all, basic
15 question: Was there DNA evidence or biological evidence
16 obtained at these two locations?

17 A Yes, there was.

18 Q And did you obtain a profile from these two locations?

19 A I did, sir.

20 Q All right. Now there's a bunch of numbers there. So
21 tell me what that means. There's more than two; correct?

22 A That is correct.

23 Q Tell us -- tell us what significance that is to you.

24 A The first column for item number Q1 -- item number
25 17Q1, there are six alleles present. Okay. That

1 immediately tells me there -- it is a mixture of more than
2 two people.

3 Q Okay. If it was just one person there would be two
4 numbers or if the number was the same on your chart it would
5 just show one number; correct?

6 A If it's one --

7 Q If -- if it was just one person --

8 A It would just be either one or two numbers.

9 Q It would be one or two numbers.

10 A Yes, that is correct.

11 Q All right. So you know it's a mixture.

12 A That is correct, yes.

13 Q And would that be the same for both 17Q1 and 17Q2?

14 A In Q2 --

15 Q Yes.

16 A -- I was able to do a major/minor contributor. The
17 minor contributor in that mixture is in the black
18 parentheses or the red parentheses all the way across.

19 Q Okay. Now explain the difference then between what
20 they're seeing -- first of all, ma'am, is Q1 the outside or
21 is Q1 the flap?

22 A Q1 is the outside --

23 Q Is the outside.

24 A -- along the zipper.

25 Q Q2, the second row is the flap --

1 A Is the flap inside.

2 Q -- that's behind inside the zipper when the pants are
3 zipped?

4 A Yes, that is correct.

5 Q Okay. Explain the difference when you -- for what
6 you're seeing at Q1, the outside, versus the inside when you
7 have a major and minor component.

8 A On the outside of the pants there were -- the -- it was
9 too difficult to distinguish a major or a minor contributor.
10 There were several -- the peaks were very, very close in
11 height. And we have to judge each location by the size of
12 the peak that we see. So if the peaks are within, like, 100
13 of each other, at that point we do not know which two would
14 possibly go together.

15 Q Ms. Taylor, let me ask, the height of peaks whenever
16 you run your analysis, is that related to the amount of DNA
17 material there is there?

18 A Yes.

19 Q Okay. So the higher the peak the more DNA --
20 biological evidence was there; is that fair to say or is
21 that too simple?

22 A But it has to be within the working seven nanograms of
23 our system.

24 Q Okay.

25 A So the seven nanograms that we use, the peaks may be

1 all the same size at one or two locations. At that point
2 we -- we call it by our guidelines an indistinguishable
3 mixture. And we -- the way the guidelines are set that is
4 the way we make our calls.

5 Q So in the first row the peaks are such that it's
6 indistinguishable, there's a mixture; correct?

7 A That is correct, yes.

8 Q But in the second row, the sample from the inside flap,
9 the differences were such that you could make a
10 determination between major and minor contributors.

11 A Yes, that is correct.

12 Q So the major contributor has higher peaks than the
13 minor contributor?

14 A Yes, basically.

15 Q It's more of the major evidence than the minor
16 evidence?

17 A Right, but the -- the ones like I talked to you
18 previously that are in red --

19 Q Yes, ma'am.

20 A -- the only thing we can use those for is elimination.
21 We can't use them to include somebody.

22 Q Let me ask -- let me ask another question. And I think
23 I understand that. When I look at the second row, just
24 going right straight across, in the first location you have
25 two numbers in black, the second location you have two

1 numbers in black, the third location, fourth location there
2 are other numbers in black but you have them within
3 parentheses. But if I just go across the two, did you get a
4 complete profile of your major contributor on the second row
5 Q2?

6 A Yes, I did.

7 Q Okay. And is that significant to you as a DNA forensic
8 analyst? In other words, is that a complete profile?

9 A Yes, it is a complete profile.

10 Q Even though there's other stuff there, can you say
11 there is a complete genetic profile that would be unique to
12 an individual within a statistical probability?

13 A That is correct, yes.

14 Q Was it a female or a male mixture that was that major
15 component?

16 A It was a female because as you can see from the chart,
17 the X is in black and the minor contributor is a Y, but it's
18 in red so it really basically doesn't count.

19 Q And in that regard, ma'am, if I remind you on page 15
20 and I think just maybe look at the first -- at the location.
21 When you look at Jannie Ligons' buccal swab -- when we look
22 at Jannie Ligons' profile obtained from her buccal swab, at
23 the very first location on your chart, she has 13s there;
24 right?

25 A Yes, that is correct.

1 evidence. The part of the pants that we've just been
2 talking about again is that flap -- and I don't mean to be
3 obscene -- but the flap underneath the zipper.

4 A Yes.

5 Q Okay. Correct. And you've showed us that.

6 There is a minor component of that DNA material,
7 not enough to get a profile; correct?

8 A The minor component of the profile is not suitable for
9 comparison purposes.

10 Q For comparison.

11 A Yes.

12 Q But you also have I notice a Y in that red category for
13 17Q2A; correct?

14 A Yes.

15 Q Tell me again what that Y means.

16 A Essentially because it is in that what is -- what I
17 told you before was called the stochastic area. It was the
18 area that we could use for exclusion but we could not use it
19 for inclusion. And the statement that best suits that minor
20 contributor is that it is not suitable for comparison
21 purposes.

22 Q All right.

23 A Essentially I'm saying I don't have anybody that I feel
24 comfortable trying to compare to the few alleles that are
25 left in that minor component.

1 Q In regards to the defendant in this case, ma'am, did
2 you also receive buccal swabs from the defendant that were
3 at least labeled as being received from the defendant in
4 this case and did you obtain his DNA profile?

5 A Mr. Holtzclaw?

6 Q Yes, ma'am.

7 A His profile along with Ms. Ligons' profile were the
8 first two profiles that I ran.

9 Q Ma'am, if I look at that, on page 15 of 15 of your
10 report, and showing the chart, Ms. Ligons was first, but
11 Officer Holtzclaw is the second one; correct?

12 A Yes, that is correct.

13 Q Okay. If I go over to the first -- I'm gonna call it
14 yellow, the brighter yellow. Do you see where my finger is
15 pointing?

16 A Okay. Yes.

17 Q At that location his DNA profile has a 16 and an 18;
18 correct?

19 A Yes.

20 Q All right. If I go back to his pants -- first of all,
21 the part of his pants that would be not the flap but over on
22 this part where I'm touching my pants right here, do you see
23 this part?

24 A The zipper area on the front?

25 Q Yeah, where the -- I'm sorry. Where the -- where the

1 crease is. Where the seam is that you told us about.

2 A Which is Q1.

3 Q Q1.

4 A Yes.

5 Q Yes, ma'am. And I'll try to use your words. Q1 is
6 where the seam was; correct?

7 A Yes.

8 Q Okay. At that location is there an 18?

9 A No, sir, there is not.

10 Q Knowing that there is no 18 at that location can you
11 exclude him as contributing to the DNA mixture that you
12 have?

13 A Well, I excluded him from the very first location
14 because he is a 13,16 and I have a 13 at D8 but no 16.

15 Q Fair enough. And I'm sorry. I just picked one at
16 random.

17 A Right.

18 Q But you can exclude him from the first location as
19 well.

20 A Yes.

21 Q Can you also exclude him from the DNA evidence you
22 obtained on the inside -- on the flap on the inside behind
23 the closed zipper?

24 A Can we use the same location?

25 Q You can use any location you can show that you can

1 exclude him. Tell me which one you're on.

2 A Okay. Now the minor, there is a 13 present.

3 Q Yes.

4 A But there is no 16.

5 Q And is that at the first location?

6 A Yes.

7 Q All right. So knowing that, whatever the mixture is
8 from the seam on the outside of the pants or the flap on the
9 inside of the pants, it's not Officer Holtzclaw's DNA.

10 A That's my conclusion, sir.

11 Q All right. Ma'am, in this case did you and I have an
12 opportunity on the day that we met to talk about Culbertson
13 and when I asked you to do some additional testing at
14 Culbertson; do you remember that?

15 A Yes, sir, I do.

16 Q Ma'am, at that point had you received the additional
17 DNA evidence, for example, the DNA samples from Adaira
18 Gardner as well as some of the other victims that were
19 identified but not known back in June when you began your
20 analysis?

21 A That is correct, sir, yes.

22 Q And during our meeting, ma'am, did I ask you to swab
23 some additional areas on Officer Holtzclaw's uniform pants?

24 A That is correct, you did.

25 Q Up until that time, ma'am, had his pants been kept in

1 an appropriate manner in the storage facility so that if
2 there was DNA evidence on it, it would be preserved?

3 A When, I completed my original analysis on these pants I
4 placed them back into the original brown paper sack I
5 received them in. I tape sealed them shut. I initialed it
6 and I then returned them back to the Oklahoma City Police
7 Department evidence storage facility. And they remained
8 there until your request.

9 Q And when you got them again had they been opened again
10 since you had closed it up before?

11 A There was no evidence that the brown paper sack had
12 been tampered with.

13 Q And would that be consistent with policies and
14 procedures for certified DNA laboratories?

15 A Yes, sir, it is.

16 Q Hand you State's Exhibit 393 -- excuse me, 392 and 393
17 and ask if you recognize what is depicted in those
18 photographs, ma'am.

19 A Yes, I photographed the interior of the uniform pants.

20 Q Basically the pants are now turned inside out?

21 A Yes.

22 Q And why did you take those photographs?

23 A Just to show the two areas that you had requested I
24 swab.

25 Q And did you swab additional areas? And are those

1 photographs appropriately reflecting the way the pants
2 appeared on that day and the locations that you swabbed?

3 A They are. They're just a little washed out.

4 Q Again, the color's not probably true. In fact when you
5 look at those even the way it was printed the color doesn't
6 show exactly the true color; correct?

7 A No, because they are navy blue.

8 Q But as far as -- as far as the pants go and the
9 location of what these pictures are, it shows where you
10 swabbed; correct?

11 A Yes.

12 Q And they're accurate in that regard?

13 A That is correct.

14 MR. GIEGER: I'd offer 392 and 393, your Honor.

15 MR. ADAMS: No objection, your Honor.

16 THE COURT: State's Exhibit 392 and 393 will be
17 admitted.

18 Q (By Mr. Gieger) There's 392, ma'am, and 393. Does one
19 show the location of where you swabbed better than the other
20 or does it matter?

21 A Actually, the first -- the second one is better.

22 Q The second one shows it better?

23 A Yes.

24 Q Okay. And to orient it I'm gonna back it up just a
25 little bit.

1 you at this point read the reports or done anything to know
2 what the allegations involving Adaira Gardner were or
3 anything to that effect?

4 A No, sir, to be honest with you I -- I thought that the
5 allegations and -- were all -- were all oral sodomy.

6 Q Okay. When we met -- and, again, that is in part by
7 design, is it not?

8 A Yes.

9 Q And you testified about that a couple weeks ago.

10 A That's correct, yes.

11 Q Whenever I met with you again -- is there anything
12 inappropriate with me meeting with you before trial and
13 talking about what I anticipate the evidence to be?

14 A No, not at all.

15 Q There's nothing improper about that?

16 A No.

17 Q Ma'am, when I told you that Adaira Gardner had made
18 allegations that there actually was penile/vaginal
19 penetration was it significant to you from an analyst, from
20 a scientist or an expert in DNA standpoint?

21 A Yes, but my biggest problem is I have no presumptive
22 test that I can do to determine if there was a vaginal fluid
23 present.

24 Q And I'm gonna talk to you about that in a minute a
25 little bit more. But is it similar -- since you brought it

1 up, is it similar to what you've talked about before is that
2 you can see epithelial cells but there's no specific
3 presumptive test to determine if it's -- if there was fluid
4 in the transfer if it's saliva, urine, vaginal fluid, those
5 types of things?

6 A That's correct, yes.

7 Q Semen's different.

8 A Semen is different, yes.

9 Q But when I explained to you that a 17-year-old was
10 involved in an alleged rape --

11 A Yes.

12 Q -- penis/vaginal rape --

13 A Yes.

14 Q -- did you believe there was merit in swabbing those
15 areas?

16 A I did.

17 Q Why?

18 A A young woman of her age would be very likely to have
19 quite a bit of lubrication. And that lubrication could
20 transfer cells if in fact that is what occurred.

21 Q Ma'am, have you worked previous rapes before?

22 A I have.

23 Q And have you had training in regards to rape victims
24 and the human body's response to sexual intercourse?

25 A Yes, sir.

1 Q Does the fact that the allegations were it was
2 nonconsensual affect that opinion?

3 A No.

4 Q And can you explain why?

5 A The body -- the human body reacts to arousal in
6 different ways, whether it be consensual or whether it be a
7 rape. And, you know, as an older woman I think there would
8 probably be damage in a rape case as opposed to somebody
9 that was quite a bit younger than myself.

10 Q And is that a matter of biology and just the way
11 hormones are produced --

12 A Yes.

13 Q -- and the way different aged people react to different
14 things?

15 A That is correct. But I still can only call this
16 biological material.

17 Q I understand that.

18 Are we still talking epithelial cells?

19 A Yes.

20 Q All right. When you ran your -- strike that question.
21 Let me ask you another one.

22 A Okay.

23 Q When you testified a couple weeks ago we were talking
24 about DNA or biological material that you got from the top
25 of a black chair; do you remember that?

1 swabs, as well as Adaira Gardner's DNA profile that you
2 obtained from her buccal swabs?

3 A Yes, sir, I did.

4 Q And did you include those on this chart just for ease
5 of comparison where we don't have to flip pages back and
6 forth?

7 A That is correct, yes, sir.

8 Q Ma'am, whenever I look at 17Q3, were you able to -- it
9 appears it's a mixture, is it?

10 A Yes, it is.

11 Q It appears that you were able to obtain a major
12 component and obtain a DNA profile; is that right?

13 A Absolutely, yes.

14 Q And was that DNA profile -- if I just look at the part
15 that's on the screen right now it appears to match
16 everything where Adaira Gardner is; is that correct?

17 A That's correct.

18 Q And was it a match at all 16 locations?

19 A It was, sir.

20 Q And can -- did you run a statistical analysis to see
21 the probability of selecting someone with Adaira Gardner's
22 DNA profile from the biological evidence we obtained from
23 the inside of Officer Holtzclaw's zipper?

24 A I did, sir.

25 Q And what were those numbers?

1 A This was using the same -- the FBI database but these
2 were the expanded database numbers that we are now using.
3 In African -- assuming a single donor, the possibility of
4 selecting an unrelated individual at random from the
5 population having this genetic profile is approximately 1 in
6 36.6 times 10 to the -- to the 20th in African-Americans,
7 19.290 times 10 to the 18th in Caucasians. And 1.5 -- 5.165
8 times 10 to the 21 in Southwest Hispanics.

9 Q In that regard, ma'am, are those similarly large
10 numbers that exceed the -- what science tells us the number
11 of people who have ever lived on the planet are?

12 A Yes, sir.

13 Q Did you obtain the same result essentially as far as a
14 major component for the swab that you took at Q4?

15 A Yes, in fact the statistics on that -- those two items
16 were combined and they are going to be exactly the same.

17 Q Adaira Gardner -- the profile that Adaira Gardner has,
18 a human being matches at those two locations as well;
19 correct?

20 A Yes, sir, that is correct.

21 Q Ma'am, in regards to the minor numbers, if I look at
22 that third location right here, see where my finger is? I'm
23 sorry, that's third. See that?

24 A The 11?

25 Q Yes, ma'am. There's an 11 there.

1 A Correct.

2 Q Which is a minor below your cutoff for comparison;
3 correct?

4 A Yes.

5 Q But nevertheless, there was some type of DNA material
6 there that had an 11; right?

7 A That's correct.

8 Q Okay. If I look at Officer Holtzclaw, does he have an
9 11 in his DNA profile at that location?

10 A No.

11 Q So can you exclude him as a contributor to the 17Q4
12 mixture?

13 A Yes.

14 Q Similarly, ma'am, is there a location where Officer
15 Holtzclaw can be excluded and it appears that it's gonna be
16 the second yellow one, the TH, is that a 1?

17 A You mean included?

18 Q Yes, ma'am. Officer Holtzclaw has a 9.3 there; is that
19 correct?

20 A He has a 6,9.3. And that is there. But one location
21 does not make a match.

22 Q Okay. So is there a way to exclude him from the
23 mixture at the top?

24 A The mixture? The minor component --

25 Q Yes.

1 A -- in both these -- these profiles is not suitable for
2 comparison purposes. Even if you should see, you know, some
3 numbers that are similar I -- I can't -- I can't do a
4 statistical analysis on that. And it just is not suitable
5 for comparison.

6 Q Well, and let me just -- let me go -- do you see where
7 my finger is on this one right there?

8 A The 12,14?

9 Q It's a 12. But for the probability there's no 12 at
10 either one of the swabs here; correct?

11 A Correct.

12 Q All right. So that's not him.

13 A No.

14 Q All right. Additionally, ma'am, at both of the
15 locations where you obtained the mixtures, I notice that
16 both at 17Q3 and 17Q4 you only have an X there, you don't
17 have an XY.

18 A So those profiles originated from a female.

19 Q Did you find evidence of male DNA at either one of
20 those locations, epithelial cells?

21 A There's no Y so the answer is no.

22 Q There's none there. So even though Officer Holtzclaw
23 was wearing these pants, his DNA is not inside them;
24 correct?

25 A That is correct.

1 Q And that would also -- even though there was a minor Y
2 on the outside right here, you excluded him as being a
3 contributor of that; correct?

4 A Yes, I did.

5 Q Does that surprise you as a DNA forensic analyst that
6 the person actually wearing the clothes, their own DNA is
7 not on them?

8 A It does, but contact DNA is very tricky sometimes. And
9 sometimes the individual that is the wearer of the item of
10 clothing, they give it to someone else to wear. And either
11 one of those people could potentially be the major person in
12 that profile.

13 Q And to be clear you don't have any evidence that
14 Officer Hol- -- somebody else was wearing Officer
15 Holtzclaw's pants?

16 A I do not.

17 Q All we know is he was wearing these pants and his DNA
18 is not on his pants.

19 A Yes, which is very difficult to try and explain.

20 Q Does that fact and this evidence also contribute to
21 your opinion about when discussing contact DNA it is much
22 more likely for it to be transferred if the epithelial cells
23 are contained in a liquid such as vaginal fluid?

24 A That's a very good possibility.

25 Q Especially when it's cloth and absorbent.

1 A No, I can't.

2 Q But you would agree with me that over a period of time
3 that DNA can disintegrate or get worse in the quality of it?

4 A It degrades over time.

5 Q Degrades.

6 A Yes, but washing also will destroy it.

7 Q Now is it also your understanding that -- it's my
8 understanding that -- is it true that you received these
9 pants when? Do you remember the exact date?

10 A I believe, if I'm not mistaken, I collected the pants
11 from the property room on June the 19th from our property
12 clerk who was our evidence officer at the time, Susan
13 Gentry.

14 Q And you would agree with me that if the evidence was
15 that they were taken from Officer Holtzclaw on the 18th,
16 that would've been the very next day?

17 A Oh, I'm sorry. Yes, that is -- that is correct.

18 Q You weren't present when he had to take off his pants
19 and all that, but you --

20 A No.

21 Q Through the proper chain of custody the pants were in
22 your lab.

23 A Well, they were submitted to the property room.

24 Q And you requested them.

25 A And I requested them. And there should be -- and you

1 should have a copy of all the transfer --

2 Q I'm not even questioning any of that.

3 A Okay.

4 Q In fact I've stipulated that all that stuff was done
5 properly.

6 A Okay.

7 Q But they end up in your possession where you physically
8 have the pants.

9 A Yes, on the 19th.

10 Q On the 19th?

11 A Yes, sir.

12 Q Now in the scenario of events at that point in time all
13 you were aware of is -- my understanding is that this
14 alleged sexual encounter with Ms. Ligons, the oral thing.

15 A That is correct, yes.

16 Q Now as this investigation continued you became aware
17 that actually there was a lady by the name of Ms. Lyles that
18 was -- that allegedly happened immediately before
19 Ms. Ligons.

20 A Sir, I'm going to be really honest with you --

21 Q Yes, ma'am.

22 A I do not know the order of contact or anything. I just
23 can give you the dates that I received the buccal swabs from
24 the various individuals.

25 Q Okay. You would agree with me that you did not find

1 any DNA evidence on Officer Holtzclaw's zipper area to
2 Ms. Ligons; correct?

3 A That is correct, yes.

4 Q You would also agree with me that Ms. Lyles, you found
5 no DNA evidence around the zipper area of the pants we've
6 been talking about of Ms. Lyles.

7 A Is it K. Lyles? Is that --

8 Q Yes, ma'am. Kala Lyles.

9 A That is correct, yes.

10 Q Does it make any difference to you that Ms. Lyles was
11 claiming that there was vaginal intercourse in her encounter
12 with Officer Holtzclaw prior to Ms. Gardner?

13 A Sir, whatever I find at this point is a biological
14 material and I'm just trying to determine who it could or
15 could not be matched to.

16 Q Okay. And so -- and there's not a way to quantify
17 the -- the -- and I think we might've already covered this,
18 but if we haven't I want to be clear. There's not a way to
19 quantify how long this material has been there or how much
20 of it there is; correct?

21 A I quantitate it after it's extracted so I don't
22 overload our system. And I can tell you a quantity, but as
23 far as when it may or may not have been deposited, I -- I
24 can't tell you that.

25 Q Okay. But you certainly agree with me that it could've

1 been a secondary transfer?

2 A From Ms. --

3 Q The one that you did find.

4 A Gardner?

5 Q Yes, ma'am.

6 A I can't disagree with that.

7 Q Okay.

8 A Again, like I said, I have to say it is a biological
9 material.

10 Q But there is a way that we could go back and even
11 confirm more fairly that it would be a secondary transfer
12 such as if you had tested the pockets. Did you ever test
13 the pockets of Officer Holtzclaw's pants?

14 A The pockets?

15 Q Yes, ma'am, the inside of his pockets.

16 A No, sir, I did not.

17 Q Did you test any other area on Officer Holtzclaw's
18 pants other than what you've testified here in court which
19 basically is the outside and the inside of the zipper area?

20 A That is correct.

21 Q Okay. There was no other area on the pants?

22 A No, sir.

23 Q You would also agree with me that one of the forensic
24 tools that a lot of DNA analysts use is forensic lighting to
25 determine whether or not there's any biological material on

1 a piece of clothing for instance.

2 A I used -- I used -- I did not use an alternate light
3 source. But I do have a very bright light in my work area
4 that I examined the pants with that has a magnifying glass.

5 Q And you found nothing on there suspicious in your
6 opinion?

7 A I did not.

8 Q Okay.

9 Q So when Mr. Gieger says you found -- you did not find
10 DNA of Officer Holtzclaw on the pants which we know are his,
11 but really the truth is you did not find DNA on the zipper
12 area on the outside or the inside that you've testified
13 about testing; correct?

14 A That is correct, sir.

15 Q You did not test, for instance, the inside of the pant
16 leg.

17 A No.

18 Q Okay. Or the waist area.

19 A No.

20 Q Simply what you've testified to.

21 A I testified -- I -- I only tested the inside and the
22 outside of the zipper front area of Mr. Holtzclaw's pants.

23 MR. ADAMS: May I have just one moment, your
24 Honor?

25 THE COURT: Yes.

1 the inside of his pants? Because typically, and I don't
2 have to demonstrate, do people normally walk around with
3 their hands inside their pants touching things?

4 A Not that I'm aware of.

5 Q Ma'am, again, common sensically the jury's heard some
6 testimony that officers sometimes -- generally don't undo
7 their gun belt whenever they use the restroom when they're
8 on duty. They just unzip their flies. So they would be
9 touching their pants; correct?

10 A I would assume so.

11 Q And unzipping.

12 A Yes.

13 Q Common sense. But even with that motion did you find
14 Officer Holtzclaw's own DNA on his pants where he might
15 touch his pants to unzip them with his belt on? Did you
16 find his trans- -- the transfer from his hand to his pants;
17 did you get that?

18 A No, I did not.

19 Q Do you have an opinion and would it be more likely then
20 if the secondary transfer was from Officer Holtzclaw's penis
21 going into Adaira Gardner's 17-year-old vagina and then --

22 MR. ADAMS: Your Honor, object to the form of the
23 question.

24 THE COURT: Come up.

25 (The following was had at the bench by

1 Court and counsel out of the hearing of
2 the jury.)

3 THE COURT: State your objection.

4 MR. ADAMS: First of all, it's leading. But,
5 secondly, he's talking about a 17-year-old vagina and -- and
6 I object to it. He's just trying to draw sympathy from the
7 jury and I object to it.

8 THE COURT: I'm going to sustain the form of the
9 question, the way you started the question, and then gave
10 your question.

11 MR. GIEGER: I said hypothetically if this was the
12 facts. I thought that's what I said, your Honor.

13 THE COURT: No, you said something along the
14 lines, would it be more likely. I think you said would it
15 in fact be more likely in your opinion if --

16 MR. GIEGER: Okay. All right. I'll rephrase.

17 MR. ADAMS: And, your Honor, also I want to state
18 for the record in her report I don't have any of these
19 hypotheticals listed out or that she's gonna testify to
20 them. And so all I did was bring up secondary transfers.
21 He said it could've been -- now he's giving her
22 hypotheticals which I've never been notified of so I object
23 for those reasons also.

24 THE COURT: All right.

25 (The following continued within the

1 hearing of the jury.)

2 Q (By Mr. Gieger) Ms. Taylor, hypothetically could a
3 secondary transfer occur if Officer Holtzclaw's penis went
4 into the 17-year-old vagina of Adaira Gardner and then he
5 removed it and put it back in his pants through -- without
6 undoing his gun belt but just through his zipper?

7 A It's possible, yes.

8 Q And is that consistent with the location of the DNA
9 evidence that you found it matches Adaira Gardner on his
10 pants?

11 A It is consistent with the biological material I found.
12 Consistent with Ms. Gardner.

13 Q Again, counsel asked if you would expect to find Adaira
14 Gardner's DNA in her purse; do you remember that question?

15 A Yes, sir.

16 Q In this case we didn't find Officer Holtzclaw's DNA on
17 his pants where you would expect someone to touch their
18 pants whenever they're unzipping them; correct?

19 MR. ADAMS: Object to the form, your Honor.

20 THE COURT: Sustained.

21 Q (By Mr. Gieger) Counsel asked about the amylase or the
22 test to determine whether or not you could tell if there was
23 saliva found on Officer Holtzclaw's pants; do you remember
24 that?

25 A Yes, I do.

1 analysis. And it's biological materials in DNA analysis.
2 And I just -- at the time I felt that an amylase test would
3 not have aided anybody in the investigation of this
4 particular case.

5 Q You were trying to see if there was DNA evidence
6 potentially initially from Jannie Ligons --

7 A Yes.

8 Q -- on that area of his uniform.

9 A That is correct, yes.

10 Q You found DNA evidence that was female evidence.

11 A Correct.

12 Q But at that time we didn't know who it belonged to.

13 A That is absolutely correct.

14 MR. ADAMS: Just object to the form, your Honor.

15 THE COURT: Sustained.

16 MR. GIEGER: It was leading, I'm sorry.

17 Q (By Mr. Gieger) Ma'am, in addition to the comparisons
18 of all the alleged victims --

19 A Yes.

20 Q -- and getting their profiles --

21 A Yes.

22 Q -- you told counsel that you also had inquired of the
23 defendant -- excuse me -- of the detectives that you wanted
24 to find out is there any potential family members who
25 could've had contact with his pants; correct?