

1 IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

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3 STATE OF OKLAHOMA)
)
4 Plaintiff,)
) Case No. CF-2011-75
5 vs.)
)
6 DARRELL WILLIAMS)
)
7 Defendant.)

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10 EXCERPT TRANSCRIPT OF JURY TRIAL

11 Held this 18th day of July, 2012

12 Before the Honorable Phillip Corley

13 District Judge

14 * * * * *

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APPEARANCES:

16

MS. JILL TONTZ and MR. TYSON BRANYAN, Assistant
17 District Attorneys, Payne County Courthouse, Stillwater,
Oklahoma, 74074, appear on behalf of the Plaintiff, State of
18 Oklahoma.

19 MS. CHERYL RAMSEY, Attorney at Law, 801 South Main,
Stillwater, Oklahoma, 74074 and MR. WILLIAM BAKER, Attorney
20 at Law, 222 West Seventh, Stillwater, Oklahoma, 74074, appear
on behalf of the Defendant, Darrell Williams.

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23 Reported by: LESLIE THOMPSON, C.S.R.
Official Court Reporter
24 306 Payne County Courthouse

1 I N D E X

2 TRAVIS FORD

3 Direct Examination (By Mr. Baker).....3

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10 E X H I B I T S

11 IDENTIFIED OFFERED ADMITTED

12 STATE'S EXHIBIT NO. 18 45

13 STATE'S EXHIBIT NO. 19 46

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1 P R O C E E D I N G S

2 (Prior proceedings had but not transcribed in this text)

3 (Following proceedings had within hearing of jury)

4 THE COURT: Defendant may call his first witness.

5 MR. BAKER: Your Honor, we'll call Travis Ford.

6 THE COURT: Please raise your right hand.

7 (WHEREUPON THE WITNESS WAS DULY SWORN)

8 * * * * *

9 T R A V I S F O R D

10 having first been duly sworn to testify to the truth, the
11 whole truth and nothing but the truth testified as follows:

12 THE COURT: Have a seat. If you would, please pull
13 that microphone down for me.

14 WITNESS FORD: This way?

15 THE COURT: All the way down.

16 WITNESS FORD: Oh, down. Here?

17 THE COURT: There you go.

18 WITNESS FORD: How's that?

19 DIRECT EXAMINATION

20 BY MR. BAKER:

21 Q. Please state your name.

22 A. Travis Ford.

23 Q. Okay. And now you're cutting out a little bit.

24 A. Travis Ford. Is that good?

25 Q. Well, it's --

4

1 MR. BAKER: Can I approach, Your Honor? I think the

2 cord's --

3 A. Hello? Is that good?

4 Q. (By Mr. Baker) It's crackling. I don't know what

5 it is.

6 A. I can talk loud. Is that better?

7 THE COURT: Yes. Thank you.

8 Q. (By Mr. Baker) I just want to make sure the jury is

9 able to hear you. All right, sir. Where do you reside?

10 A. Here in Stillwater.

11 Q. Too close maybe. Yeah, pull the microphone.

12 MS. TONTZ: I can't hear, Mr. Baker.

13 THE COURT: Try that.

14 WITNESS FORD: Hello? Testing, one, two, three.

15 Q. (By Mr. Baker) Okay. I'm no good at technology, I
16 tell you. All right, sir. You live here in Stillwater.
17 What is your occupation?

18 A. I'm head basketball coach at Oklahoma State for men.

19 Q. How long have you been here at Oklahoma State?

20 A. Just finished our fourth year, going into our fifth.

21 Q. All right, sir. And before you came to Oklahoma
22 State, where had you been?

23 A. Oh, I, again, I'm going into my 16th year as college
24 head coach. I started out at Campbellsville University, a
25 Baptist college in Kentucky for three years. Then I spent

5

1 five years at Eastern Kentucky University in Richmond,
2 Kentucky, and then three years at University of
3 Massachusetts, UMass, in Amherst, Massachusetts.

4 Q. All right, sir. And where were you born?

5 A. Born in Murray, Kentucky.

6 Q. And is that where you went to high school?

7 A. No, I went to high school in Madisonville,
8 Kentucky.

9 Q. All right, sir. And did you play any sports when
10 you were growing up?

11 A. I did. I played quite a few, but basketball more

12 than the rest.

13 Q. And did you play basketball beyond high school?

14 A. I did. I played one year at the University of
15 Missouri and three years at the University of Kentucky.

16 Q. I see. When you finished at Kentucky, did you
17 graduate from University of Kentucky?

18 A. I did.

19 Q. What year did you graduate?

20 A. I graduated in 1994.

21 Q. And at that time, is that when you went to the first
22 school you mentioned?

23 A. I started at Campbellsville University. I think it
24 was about 1996. I played a little bit of basketball in
25 between, after I graduated Kentucky, and then got into

6

1 coaching. I think it was in '96.

2 Q. All right, sir. Are you married?

3 A. Yes, I am.

4 Q. Any children?

5 A. Do have three children, a 12-year-old boy,
6 ten-year-old girl and a eight-year-old boy.

7 Q. All right, sir. Now, during your time here at
8 Oklahoma State have you been acquainted with Darrell

9 Williams?

10 A. Yes, sir.

11 Q. And he's the gentleman seated to my left?

12 A. Yes, he is.

13 Q. How did you come to know Darrell Williams?

14 A. We started recruiting Darrell about a little over
15 three years ago, a little over three and a half years ago,
16 I believe it is.

17 Q. When you first, Oklahoma State first began to
18 recruit him, where was he playing or where was he in school?

19 A. He was Midland Junior College, Midland, Texas.

20 Q. All right, sir. Now, what is your, if you would,
21 give the jury just an idea of what's the normal, customary
22 recruiting process that you follow.

23 A. When we went identify a player that we, obviously,
24 first think is good enough to play basketball here for us,
25 then we get into as much background work as we can to try to

7

1 find out as much information about a student athlete's
2 background, whether academically, socially, try to get to
3 know as many people that may be helping him make his
4 decision, pretty in depth, you know, process. When we
5 actually start identifying a player --

6 MS. TONTZ: Your Honor, I'm going to object to the
7 narrative answer.

8 THE COURT: He's asked and answered that question.
9 You may ask your next question.

10 MR. BAKER: Yes, sir.

11 Q. (By Mr. Baker) And when you're recruiting a young
12 student or student athlete, do you, do you talk to coaches
13 they played for? Is that --

14 A. Yes, we do. We talk to his high school coaches, his
15 junior college coaches, even got to know the athletic
16 director where he played at Midland Junior College. We
17 talked to his professors, teachers, as many people as we can
18 to find out as much information as we can.

19 Q. Okay. And did you basically, did you follow that
20 process with Darrell Williams?

21 A. Absolutely. One hundred percent.

22 Q. And when you've had players that come to Oklahoma
23 State University and become student athletes here at OSU, do
24 you have, do those student athletes have interaction with
25 your family, for example, and other coaches' families?

1 A. Yes, they do. They --

2 Q. Do you invite them into your home?

3 A. Yes. Quite a bit. Absolutely.

4 Q. Okay. Are you able to observe them out away from
5 the university, away from the playing court, that type of
6 thing?

7 A. We spend more time probably away from the court
8 getting to know each other than we do on the basketball
9 court, yes.

10 Q. And in regard to Darrell Williams, what did you
11 learn about him as you went through these, OSU went through
12 the recruiting process?

13 A. Very well respected. Everybody we talked to had
14 nothing but positive things to say about Darrell. Very
15 hard-working. Very caring person. Somebody who had a lot of
16 respect about a lot of people that we came across.

17 Q. And in your recruiting process, did you uncover any
18 information that would have led you to have concern about
19 whether he was a person who would abide by the law?

20 A. None whatsoever. None.

21 Q. Any indication that he was a person that you'd have
22 concerns about whether he'd follow team rules?

23 A. Absolutely not. None.

24 Q. Did you learn of any criminal activity or history on
25 the part of Darrell Williams in your recruiting process?

1 A. No, he has none. We checked that out. Absolutely
2 none.

3 Q. Now, since Darrell Williams has come here to
4 Oklahoma State University, and let's tell the jury, please,
5 when was it that he first enrolled at Oklahoma State?

6 A. August. It would have been August of -- just
7 finished '11, '12, been August of 2010, August of 2010.

8 Q. Okay. You said he came here from Midland.

9 A. Yes.

10 Q. And he arrived here, then did he enroll in whatever
11 is required in order -- let me just rephrase. There's a
12 certain amount of hours that you say what every student
13 athlete has to take to be eligible, is that right?

14 A. Yes, there is.

15 Q. Did he enroll in what was required?

16 A. I think he actually did a little bit more that was
17 required. It's required of 12, if I'm not mistaken, I think
18 it was 15 or more.

19 Q. How has he done from an academic standpoint from the
20 time he came here in August of 2010 up to now?

21 A. Terrific. He's one of the best students we have.
22 He's actually been honored for his academic achievements by
23 the conference, by the Big 12. He has received awards for
24 his academic performance.

25 Q. In December of 2010, how many players did you have

1 on your team?

2 A. 14. I think it was 14 at the time.

3 Q. And of those 14 --

4 A. 14.

5 Q. -- of those 14, how many of them were black.

6 A. 12. I believe there was 12.

7 Q. Okay.

8 A. Years ago. I think it's 12.

9 Q. From a size standpoint, how did Darrell Williams
10 compare to others, and by that I mean, for example, was he
11 the tallest player on the team?

12 A. No. No. No.

13 Q. And how we compare in terms of height, who would
14 been the tallest at that time?

15 A. Tallest at that time probably would have been
16 Michael Cobbins, Michael Cobbins. There were, there was
17 probably, there was four or five guys kind of the same height
18 that were within the six-seven to six-nine range on the team.
19 I think there was five, five players in that range.

20 Q. Who were they?

21 A. You had Marshall Moses, who was senior on that
22 basketball team in 2010. He was about six-six. Then you had
23 Darrell, who's about six-eight. You had Matt Pilgrim, who

24 was six-eight. You had Jarred Shaw, who was six-nine. I'd
25 say six-nine, and Michael Cobbins, I think, who was six-nine.

11

1 So all kind of similar.

2 Q. How about from a weight standpoint? How did Darrell
3 compare in the weight standpoint?

4 A. With those five?

5 Q. Yes.

6 A. Marshall was probably 230. Darrell's probably 230,
7 230, 232. Jarred was 225, 225. Michael Cobbins, now he's
8 190. He was on the other spectrum.

9 Q. A little slimmer?

10 A. He was just a freshman.

11 Q. And so the ones you mentioned, with the exception of
12 Michael Cobbins, they were all pretty much the same size,
13 again, with this range of a few inches?

14 A. Oh, yes.

15 Q. A few pounds?

16 A. Absolutely.

17 Q. Now, in terms of skin color, how did these students,
18 the five that you've mentioned, how did they compare in terms
19 of their skin complexion, light, dark or moderate skin?

20 A. Well, I would say that Marshall, Jarred and Darrell,

21 I would say they have a lighter skin color. Matt Pilgrim's a
22 darker skin color, and Michael Cobbins is, I would say,
23 lighter as well. Yeah, in between Michael Cobbins and Jarred
24 Shaw and Darrell and Marshall, they're lighter skin colored.
25 Matt's was darker.

12

1 Q. All right, sir. Now, you're aware, aren't you, of
2 the charges that have been brought against Darrell Williams?

3 A. Yes, I am.

4 Q. And can you tell us what those charges are to the
5 best of your understanding?

6 A. Rape by instrumentation and sexual assault.

7 Q. And do you understand that these are very serious
8 charges?

9 A. Oh, absolutely.

10 Q. Now, when did you learn of the incident that led to
11 the filing of these charges?

12 A. I had just returned from a recruiting trip, and soon
13 as I landed, I'd gotten a phone call.

14 Q. Okay. And did you become aware of a letter that had
15 been delivered to your office?

16 A. Yes, I did.

17 Q. And did you learn of the letter the same date it was

18 delivered to your office? In other words, you came back from

19 a recruiting trip, was that the same day or different?

20 A. I'd heard about the letter before, before I received

21 it, but I think I received the letter, I think it was right

22 after I got back, maybe the next day. I don't know.

23 Q. When you learned of the letter -- well, well, when

24 you got back, did you read the letter?

25 A. Yes, I did. Absolutely. More than once.

13

1 Q. And once you had read the letter and heard or

2 understood that Darrell Williams was a suspect, what did you

3 do?

4 A. I met with Darrell immediately, as well as -- when I

5 first heard about it, I met with a few other players before I

6 knew who I was told was at the party as well.

7 Q. What was your reason for meeting with those players?

8 A. I wanted to find out what happened.

9 Q. And after you talked with the players, what did you

10 do next?

11 A. After I talked to the players, you know, I tried to

12 get a grasp of exactly what went on. I read this letter over

13 and over, and I understood these are pretty serious

14 allegations. And I tried to talk to other players to try to

15 get a sense of what was going on.

16 But after I read this letter over and over, I knew
17 that I had an obligation. I knew I needed to find out more
18 information, and I, more or less, and it was a very busy
19 time, but I conducted my own investigation.

20 Q. As a part of that investigation that you
21 conducted -- well, let me first ask you: Why did you conduct
22 your own investigation? You knew that police were going to
23 do that, didn't you?

24 A. Yes.

25 Q. So why did you do your own?

14

1 A. Well, I read the letter and had a lot of questions.
2 I didn't understand everything, and I read it over and over
3 and over again. And a lot of it just didn't make sense to
4 me, and I was also being told it wasn't Darrell. He did not
5 do this. I was continually being told this, and I just knew
6 it, and I understood what the girls were saying. I fully
7 understood that, but I couldn't just go by just what somebody
8 said. I needed more.

9 MS. TONTZ: I'm going to object --

10 A. I needed more information.

11 MS. TONTZ: -- to the narrative form of the answer.

12 THE COURT: It's been asked and answered. Ask your
13 next question.

14 Q. (By Mr. Baker) What you're saying is really, and I
15 need to break in and ask you more questions from time to
16 time.

17 A. Okay.

18 Q. And I'll do that. Now, when you got back and you
19 learned of the letter, you read the letter. You talked to
20 the players.

21 A. Uh-huh.

22 Q. Did you then come into contact with any law
23 enforcement officials in regard to this matter, yes or no?

24 A. Well, yes.

25 Q. Okay. And who contacted you and where?

15

1 A. I was contacted by the police department who came to
2 our offices.

3 Q. Would that have been -- do you know what day that
4 would have been?

5 A. I don't. It was a couple days before games so I
6 think it was, like, on a Thursday.

7 Q. Okay. If I told you that December 16th of 2010 was
8 the Thursday, would that sound right to you?

9 A. Yes. Yes.

10 Q. All right, sir.

11 A. Yes.

12 Q. What time of the day when you were contacted by law
13 enforcement?

14 A. Oh, I think it was probably around 2:30 because I
15 knew we were headed right into practice. I was actually
16 headed that way.

17 Q. All right, sir. And had you already had practice,
18 any part of practice, or you just started?

19 A. No. I was meeting, actually, with my coaching
20 staff, which is a normal thing. We meet and go and address
21 the team and talk about the upcoming game, and then we go to
22 practice. We were in that staff meeting. We were in the
23 staff meeting actually.

24 Q. All right, sir. Were you in Gallagher Iba at the
25 time the police came?

16

1 A. Yes, I was.

2 Q. And just to back up a moment, was the last game
3 you'd played before that date, was that on that Saturday
4 prior, December 11th, Missouri State?

5 A. I believe it was. I believe it was. Yes, it was.

6 Q. Do you know when your next game was scheduled?

7 A. I think it was that Saturday. I think it was that

8 Saturday.

9 Q. All right, sir. And when the police came and you

10 said -- how did you know the police were there?

11 A. They just walked on in.

12 Q. All right. And did you talk with any of the police

13 officers?

14 A. I did. They came in, said they needed to meet with

15 a few of the basketball players.

16 Q. Okay.

17 A. There was quite a few of them.

18 Q. Did you do anything?

19 A. There was quite a few police officers that came

20 in.

21 Q. How many do you recall being in there?

22 A. Well, there was a bunch. Some were in plain

23 clothes. Some were -- minimum of five or six. There was

24 some in police outfits and some in plain clothes, and they

25 just walked on in. It was quite a few.

1 Q. And what did you understand they wanted to do?

2 A. Meet with a few of the players.

3 Q. Okay. And did you cooperate with them?

4 A. Absolutely.

5 Q. What did you tell them when they said they wanted to
6 meet with some of the players?

7 A. I told them, I asked them, I said I'm headed right
8 into a team meeting. They're here. Those players are here
9 in a team meeting. You want to meet with them. They're in a
10 team meeting right now. Would you allow me to meet with my
11 team, because I didn't want to pull those guys out right then
12 and disrupt the other players. Do you mind if I meet with
13 our team for maybe 30 minutes, and then you could have them.

14 You can do -- then they can miss practice, whatever
15 you needed them. He said, that would be fine. He followed
16 with me. I don't remember which police officers, but two
17 police officers, two people went with me down to the locker
18 room and waited right outside the room.

19 And then as soon as we were done talking about
20 practice with the team, then I immediately told the players
21 they needed to go with them.

22 Q. And what players did the law enforcement officers
23 indicate they wanted to talk to?

24 A. Darrell Williams and Marshall Moses, I believe.

25 Q. All right, sir. And did you have, the police

1 officers have any conversations with you? Let me back up,
2 ask you this question first: Do you know if they were OSU
3 police, Stillwater Police Department or both?

4 A. I think it was both. I believe it was both.

5 Q. And did you know any of the officers before they
6 came there that day?

7 A. No, I didn't.

8 Q. And did they have any conversations with you to
9 provide any information to you?

10 A. No.

11 Q. And did anyone call you in advance and say they were
12 coming over to interview players?

13 A. No.

14 Q. Was anyone arrested while you were there or
15 following that time?

16 A. No. No.

17 Q. All right, sir. Now, you've indicated earlier in
18 your testimony that you had questions, and you were going to
19 follow through. So who, without saying what people told you,
20 but who did you contact after that day, that day that they
21 came in and interviewed Darrell and Marshall Moses?

22 A. Well, I come -- the next thing besides meeting with
23 Darrell quite a few times and kind of figured out and
24 Marshall and other players, next thing I read the police
25 report.

1 Once I got the police report, I studied that thing
2 from up and down quite a few times and tried to get a grasp
3 of what was going on.

4 Q. All right, sir. And what -- in the police report
5 you're talking about, is that from the Stillwater Police
6 Department?

7 A. Yes.

8 Q. And what all did it contain? What was in that
9 report that you received?

10 MS. TONTZ: I'm going to object as to hearsay.

11 MR. BAKER: I'm not asking what was said. I'm
12 asking what were the documents that were included in the
13 report.

14 THE COURT: You may answer that question.

15 Q. (By Mr. Baker) What was included in them, without
16 saying what it said?

17 A. Them interviewing several witnesses, several
18 witnesses at this party. There was quite a few, very many
19 people at this party, and they interviewed, oh, I can't
20 remember, 30 or more people at the party that they
21 interviewed.

22 Q. Okay. Did you read each and every one of those?

23 A. Absolutely. Yes, I did.

24 Q. Be sure to wait till I finish because she's taking
25 all this down for us.

20

1 A. Okay.

2 Q. So you read each and every one of the reports that
3 was contained in the police report?

4 A. Yes.

5 Q. When I say reports, interviews or reports of
6 interviews.

7 A. Yes, I did.

8 Q. All right, sir. After you had read the police
9 report, did you have the answers to the questions that you
10 had earlier?

11 A. No, not at all. Not at all.

12 Q. All right. And what else did you do after that as a
13 part of your own investigation?

14 A. I, I, I was hesitant because I didn't know if it
15 was right. But I called the DA and asked if I could meet
16 with them.

17 Q. You're talking about the district attorney?

18 A. The district attorney.

19 Q. Do you recall who that was?

20 A. Rob Hudson.

21 Q. All right, sir. And did you have a meeting with Rob
22 Hudson?
23 A. I did meet with Rob Hudson and Tom Lee, assistant
24 district attorney at the time. They said, they, Rob said he
25 would come to my office, and they came to my office.

21

1 Q. And did you meet with them and talk to them about
2 what had happened?

3 A. Yes, and I told them --

4 Q. Okay. Just -- you answered yes.

5 A. Yes.

6 Q. I need to ask the next question.

7 A. Sorry.

8 Q. All right. You met with them. Did you ask them
9 questions about the investigation?

10 A. Yes, I did.

11 Q. And did they provide you answers?

12 A. Yes.

13 Q. All right, sir. And how long did that meeting take
14 place?

15 A. Oh, there an hour and a half or more.

16 Q. As a result of that meeting, did you have the
17 answers that you were seeking as you, for your investigation,

18 your own investigation?

19 A. I didn't, no. No.

20 Q. What else did you do besides that?

21 A. I met with officials at OSU to try to find out if

22 the girls had done anything through their, through OSU,

23 because I knew there was a policy that, you know, they could

24 get Darrell suspended from school. And they could get

25 counseling, and I checked on all that.

22

1 And you know, and continued to read over the police

2 reports as well, and once I got the university police report,

3 I studied it as well.

4 Q. That was a few months later?

5 A. Yes, it was.

6 Q. All right, sir. Now, this was in December when

7 you've done the things you talked about?

8 A. Yes.

9 Q. You talked to the players. You read the letter.

10 You read the police reports.

11 A. Yes.

12 Q. You talked to the district attorney.

13 A. Yes.

14 Q. That was all in December?

15 A. That was all in December.

16 Q. All right, sir. And then you're aware, are you not,
17 that the charges were filed on February the 7th, 2011?

18 A. Yes.

19 Q. Did you continue to conduct your own investigation
20 all through that time period?

21 A. Absolutely.

22 Q. And did you continue to talk to Darrell Williams or
23 any other players on your team?

24 A. Yes, I did.

25 Q. When you said earlier you talked to the players on

23

1 the team, did you try to find out which players on your team
2 had been to this party?

3 A. Yes.

4 Q. Did you talk to them individually?

5 A. Yes.

6 Q. Did any of them refuse to talk to you?

7 A. No.

8 Q. Did Darrell ever refuse to talk to you?

9 A. Never.

10 Q. As a result of the -- and this is before February
11 7th, up to February 7th. Did you learn anything at all that

12 caused you to believe that you needed to take action against

13 Darrell Williams?

14 A. No.

15 Q. And did you suspend him from your team?

16 A. No, I did not.

17 Q. And obviously, then, you didn't dismiss him from the

18 team either.

19 A. No, I did not.

20 Q. Now, is it correct that a player could be suspended

21 and still be a part of the team, just not able to play in

22 games?

23 A. Right. Yes.

24 Q. Dismissal would mean you're done.

25 A. He would have to leave the team and not be a part of

24

1 the team at all.

2 Q. Did you require any -- well, let me do it this way:

3 Did you impose any type of penalty on Darrell Williams as a

4 result of what you learned about that night?

5 A. After everything I learned, no, I did not.

6 Q. If you had learned during your investigation, or if

7 you'd concluded that you felt was Darrell Williams had done

8 something wrong, what would you have done?

9 A. If I believed he had done this, and I'd have direct
10 evidence that he'd done it, I would have dismissed him from
11 the team.

12 Q. Have you ever had, in your 16 years of coaching,
13 ever had to do that, dismiss a player?

14 A. Yes, I have.

15 Q. Was it for some criminal violation?

16 A. One was. Couple others, no.

17 Q. So they did something that you would consider for a
18 player that you felt deserved that?

19 A. Absolutely. I have an obligation to the university
20 as well as my team. Absolutely.

21 Q. Now, you mentioned that, earlier you mentioned that
22 players come in and you spend a lot of team with them away
23 from campus, away from the playing court. Has Darrell
24 Williams continued to be a part of that process?

25 A. Yes, he has.

25

1 Q. And for example, have you ever had players come to
2 your home?

3 A. Yes, I do.

4 Q. You have players around your home, excuse me, around
5 your family?

6 A. Yes, I do.

7 Q. Has Darrell Williams continued to be, to come to
8 your home and be around your family?

9 A. Oh, yes, absolutely.

10 Q. Do you have any reservations at all about him being
11 around your family?

12 A. Zero. None. None.

13 Q. From the information that you'd received or
14 reviewed, I should say, did you ever, were you ever able to
15 determine how many people had been at this party?

16 A. Not exactly. I'd always heard a range from 25 to
17 60.

18 Q. Okay.

19 A. That's kind of a range at the time supposedly that
20 this had happened that I heard.

21 Q. Did you ever learn of any statements made by any of
22 those people who were present that indicated Darrell
23 Williams?

24 A. No.

25 Q. Besides these girls?

1 A. None whatsoever.

2 Q. When you were reviewing information, did you have

3 any other documents provided to you besides these police
4 reports?

5 A. Jarred Shaw had an affidavit that gave me some --

6 MS. TONTZ: I'm going to object. I'm going to
7 object if he's going to testify --

8 THE COURT: Just don't testify to what was in that
9 affidavit. He made the statement there was an affidavit.

10 MR. BAKER: Can I have just one moment?

11 Your Honor, for identification purposes, may I
12 approach the witness?

13 Q. (By Mr. Baker) I'm going to hand you what's been
14 marked as Defendant's Exhibit 6 for identification purposes,
15 and don't say anything, please, about what's in it. Is that
16 the affidavit you reviewed?

17 A. Yes, it is.

18 Q. And it's by whom?

19 A. Jarred Shaw.

20 Q. All right, sir. Thank you.

21 A. Yes.

22 Q. Did you review any other affidavits?

23 A. Emily Sadler, there was Emily Sadler's, who was at
24 the party.

25 Q. How do you know she was at the party?

1 A. Darrell had told me that.

2 Q. Okay. One of the things I may have left out was
3 asked about who you talked to. Did you talk to your other
4 coaches on the OSU team when this first came up to get their
5 impression about what you were hearing?

6 A. We were always talking about it. Absolutely.

7 Q. How many coaches are there, full-time coaches, on
8 your team?

9 A. Besides myself, three, full-time coaches.

10 Q. Now, during the course of this, or excuse me, let me
11 rephrase that. The charges, as I indicated, were filed on
12 February 7th. What action, if any, was taken against Darrell
13 Williams at that time?

14 A. None.

15 Q. Was he suspended at that time?

16 A. No, he was not.

17 Q. Did he play in any game after February 7th?

18 A. No, he did not.

19 Q. Up until February 7th, did he play in the games?

20 A. Yes, he did.

21 Q. In your opinion, was there any reason for him not to
22 play?

23 A. None.

24 Q. Now, when you say he's still part, you said earlier
25 he is still part of your team. When you say that, you mean

1 he's part of the practice squad?

2 A. Yes, he is.

3 Q. And has he participated in the practices that you've

4 had --

5 A. Yes, he has.

6 Q. -- since that time.

7 A. Yes, he has.

8 Q. That's been year and a half anyway. In that time

9 frame --

10 A. Yes.

11 Q. -- he's continued to participate in all the team

12 activities.

13 A. He has except for the games.

14 Q. Has he attended meetings that you have?

15 A. Yes, he has.

16 Q. You've mentioned earlier to the jury that he had

17 done well academically. Has he continued to do that even

18 while he's not been able to play?

19 A. He's excelled at a every level in the classroom.

20 Q. In the course of reviewing the information you've

21 already discussed, did you become aware of a person by the

22 name of Yayi Janneh?

23 A. I did.

24 Q. And what did you know about Yayi Janneh prior to
25 this incident?

29

1 A. Not much. Nothing.

2 Q. Was he a part of your team?

3 A. No, he was not.

4 Q. Did you have any direct contact with him?

5 A. I did.

6 Q. When was that?

7 A. Several months after this I did run into him at the
8 apartments, over at our players' apartments.

9 Q. And when you had contact with him, what, if
10 anything, did you do?

11 A. First time I'd ever seen him, and figured out who he
12 was. I told him he needed to stay away from our basketball
13 team.

14 Q. To your knowledge, did he come back around your team
15 after that?

16 A. Not to my knowledge.

17 Q. Now, you mentioned earlier that you had 14 players
18 on your team, and in December, 2010, at the time of this
19 incident. Have any of those players left your team since
20 that time, other than for reasons of graduation?

21 A. Yes.

22 Q. And who has left the team?

23 A. Jarred Shaw, Fred Gulley and Richard Owl.

24 Q. And with regard to Jarred Shaw, and let me ask you

25 this: Sometimes do you, as a coach, do you have an

30

1 understanding or expectation that some players may want to go

2 play somewhere else?

3 A. Oh, yes. You know, absolutely. Some come in and

4 kind of come to a mutual agreement that, you know, they may

5 be better off playing, get more playing time, things like

6 that.

7 Q. And when did Jarred Shaw leave the team?

8 A. As soon as the season was over. I mean, he stayed

9 in school, but as soon as the last day, his last day of

10 finals, he left town.

11 Q. Did that come as a surprise to you?

12 A. It did. We were shocked when he came and told us he

13 did not want to be a part of the team any more. We were

14 shocked.

15 Q. And from a playing standpoint, isn't it true most

16 everybody that comes to Oklahoma State or any other Division

17 I school, they want to play?

18 A. Oh, absolutely.

19 Q. And did he have -- had you given any indication that
20 he was going to play?

21 A. Well, he was in line to be the next center. We were
22 losing, obviously, our centers at that time, who were
23 starting, and that's what we kept telling him. You know,
24 you've been here for two years. You need to stick this out.
25 You're going to be in line to be starting center for us. He

31

1 was going to play. Absolutely.

2 Q. Without saying what he may have said, did you ever
3 receive any information at that time that would indicate to
4 you why he thought he needed to leave?

5 A. At that time, no. No.

6 Q. Now, is Darrell Williams still on scholarship?

7 A. Yes, he is.

8 Q. And we talked about a scholarship athlete in
9 basketball. Can you tell us what that is, that a full
10 scholarship is, in other words?

11 A. It includes their lodging, their tuition and their
12 meals.

13 Q. And are you allowed a certain number of
14 scholarships?

15 A. We are, 13.

16 Q. And so if you have a player like Darrell Williams
17 who's not able to play in games, how does that affect the
18 team?

19 A. It's been tough. The last year and a half, two
20 years it's been going on, it's been tough for the basketball
21 team. It, you know, it's not been easy. It's not been easy.
22 He has taken up a scholarship that, and I was not going to
23 take it away with the information I had.

24 Q. Why wouldn't -- now, what were things that you could
25 have done when you learned that he was not going to be able

32

1 to play any games while this case was pending?

2 A. I could have dismissed him from the team. Easy
3 thing would have been to dismiss him.

4 Q. Why would that be easier?

5 A. It's been a long two years. He's taken up a
6 scholarship. It's taken a lot of my time in trying to figure
7 out this, a lot of my time. You know, as always, I want to
8 do what's right. I have an obligation to the university, my
9 family, my family, to these girls, to Darrell, but it would
10 have been an easy thing to tell him to leave town. You got
11 to go.

12 MS. TONTZ: I'm going to object as to narrative

13 again.

14 THE COURT: Been asked and answered. You may ask

15 your next question.

16 Q. (By Mr. Baker) Now, I want to go back to something

17 I asked you earlier, different way of asking this I guess.

18 We talked about physical characteristics and how he compared

19 to other players on the team. And you talked about just

20 briefly four or five players in the same height range.

21 A. Uh-huh.

22 Q. And weight range and those that are in same skin

23 tone range, right?

24 A. Yes.

25 Q. Okay. Now, what about size of his hands?

33

1 Basketball players need to have -- it's nice if they have big

2 hands, isn't it?

3 A. Yes.

4 Q. Comes in handy?

5 A. Yes.

6 Q. Grab rebounds?

7 A. Uh-huh.

8 Q. All right, sir. Now, are Darrell Williams' hands

9 sized bigger, smaller? What are they?

10 A. He might have the largest hands I've ever had on a
11 player. They're very large, very large.

12 Q. You said a moment ago you had spent a lot of your
13 time, and by that I think you meant the time you would
14 otherwise spend coaching, devoted to the team and team
15 activities. Why have you done that?

16 A. Spend time with our players off the court?

17 Q. Spend time with Darrell Williams working, trying to
18 find out what you can about him, that type of thing.

19 A. Because we want players that are going to represent
20 us in the right way. We spend a lot of time doing that, a
21 lot of time trying to find out as much as we can.

22 Q. Well, I mean since the time these charges have been
23 filed. Why have you continued to invest your time? You said
24 a moment ago that --

25 A. Right.

34

1 Q. Why did you do that?

2 A. I had an obligation. I mean --

3 MS. TONTZ: Your Honor, I'm going to object. That's
4 been asked and answered.

5 THE COURT: Unless you're shooting for something

6 else, Mr. Baker, it has been.

7 Q. (By Mr. Baker) Has Darrell Williams refused to do
8 anything that you've asked him to do since these allegations
9 came forward?

10 A. Absolutely not. Just the opposite. He has done
11 everything that I have asked him to do, everything I've asked
12 him to do to prove his innocence. Certain things I've asked
13 him to do he has done that has proven to me that he did not
14 do this. It was not him.

15 Q. All right, sir. And when there's been any request
16 made from the university for him to do things, has he done
17 done those things?

18 A. He's done everything I've asked him to do to prove
19 his innocence. He's done everything the DA has suggested to
20 prove his innocence. He's done everything that everybody's,
21 from day one, he's done it. He's gone and he's done, and
22 he's proven it to me without just saying it, proven his
23 innocence.

24 MS. TONTZ: Objection, Your Honor. It's a narrative
25 answer.

1 THE COURT: Please just answer the question.

2 MR. BAKER: Can I have just a moment, Your Honor?

3 THE COURT: You may.

4 Q. (By Mr. Baker) Coach Ford, you're coach of a
5 Division I school. I think we all know that you coach
6 Division I school. In particular if you're not successful,
7 you don't stick around, isn't that right?

8 A. Yes.

9 Q. Are you, is your team dependent or are you dependent
10 on Darrell Williams?

11 A. No, not at all.

12 Q. If you thought for one second Darrell Williams did
13 what he's charged with, what would you have done?

14 MS. TONTZ: Objection. That's been asked and
15 answered.

16 THE COURT: You may answer that question.

17 A. Repeat it for me.

18 Q. (By Mr. Baker) If you thought for one second
19 Darrell Williams had done what he is charged with, what would
20 you have done?

21 A. I would have dismissed him immediately if I had any
22 reason.

23 MR. BAKER: No further questions at this time.

24 THE COURT: Cross Examination, Ms. Tontz?

25 MS. TONTZ: Yes, Your Honor.

1 CROSS EXAMINATION

2 BY MS. TONTZ:

3 Q. Good afternoon, Mr. Ford.

4 A. Afternoon.

5 Q. Coach Ford.

6 A. Mr. Ford is fine. Travis.

7 Q. Okay. You said you conducted your own

8 investigation, correct?

9 A. Yes.

10 Q. And I'm just mostly going to look for a yes or no

11 answer, okay? So you conducted your own investigation.

12 Where did you go to law enforcement training?

13 A. Nowhere.

14 Q. And have you had any type of training whatsoever in

15 investigative techniques, yes or no?

16 A. No.

17 Q. And you care about Darrell Williams, correct?

18 A. Yes.

19 Q. And characterize your relationship with Darrell.

20 Are you close?

21 A. Well, I'm close to all my players.

22 Q. Let me ask you this: Are you closer to some more

23 than others?

24 A. Well, you know, over time, the longer they're with

25 you, you know, obviously, freshman who had just came in, I'm

1 not as close to them as I am to Darrell or players that have
2 been there for a couple years.

3 Q. So yes, you can be closer to others depending on how
4 long they're there?

5 A. Yes. Depending on time, yes.

6 Q. Darrell has been on your team for how long?

7 A. Over two years.

8 Q. And you do not want to see him in trouble,
9 correct?

10 A. I don't want to see anybody in trouble.

11 Q. That's not what I asked you. Listen to my question.
12 You don't want to see Darrell Williams in trouble, correct?

13 A. Of course not.

14 Q. And I want to ask you briefly, you testified on
15 direct examination that the easy thing to do would be to
16 dismiss him from the team, correct?

17 A. Yes.

18 Q. Are you familiar with the federal graduation
19 rate?

20 A. Federal graduation rate?

21 Q. Yes.

22 A. No.

23 Q. That deals with NCAA Division I programs?

24 A. No.

25 Q. Are you familiar with --

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1 A. Federal, no, not I'm not, I don't --

2 Q. Okay. Let me ask you this: Are you familiar with
3 the Academic Progress Rate?

4 A. Yes.

5 Q. Okay. And isn't it true that underneath that rate a
6 university or team can be punished depending upon how many of
7 their players leave the program prior to graduating?

8 MR. BAKER: Your Honor, objection. Irrelevant.
9 Immaterial.

10 MS. TONTZ: Your Honor, I think it's going to bias.

11 THE COURT: Objection's overruled.

12 Q. (By Ms. Tontz) Do you want me to reask?

13 A. I don't understand.

14 Q. I'll ask it again. The Academic Progress Rate is
15 inside the NCAA program, correct?

16 A. Yes.

17 Q. Okay. And it deals with the amount of players that
18 may leave a program prior to graduating from college,
19 correct?

20 A. A little bit. It's not the full extent of it.

21 Q. But that's one -- I'm sorry. I'm not trying to

22 interrupt you, but that's one.

23 A. Yes.

24 Q. That is one thing that can happen underneath this

25 Academic Progress Rate.

39

1 A. Yes.

2 Q. Right?

3 A. Yes.

4 Q. Okay. And if you do not, if a -- let me ask it this

5 way: If a university athletic program does not graduate so

6 many students, the university can be penalized, correct?

7 A. It's not all about just graduation.

8 Q. I'm asking, is that one of the criteria that they

9 look at.

10 A. I don't believe it's what one of the criteria is.

11 Q. So that if that existed in the NCAA rules, would

12 that be wrong?

13 A. Do what now?

14 Q. If it stated in the NCAA rules under the academic

15 progress rules --

16 A. In the rule book, Cline's rule book?

17 Q. Yes.

18 A. Yes, if it's in there.

19 Q. That that would be correct?

20 A. Sure.

21 Q. And how many of your players left during the

22 2010-2011 season?

23 A. Jarred Shaw.

24 Q. Okay.

25 A. Roger Franklin. I was mistaken earlier because Fred

40

1 Gulley left this past -- Roger Franklin and Jarred Shaw.

2 Q. Okay.

3 A. And Jarred Shaw.

4 Q. Did any others leave?

5 A. No.

6 Q. Did Jarred Shaw graduate from Oklahoma State

7 University?

8 A. Jarred Shaw, no, he did not.

9 Q. What about Franklin?

10 A. No.

11 Q. And if the NCAA rule book stated that the only data

12 that is relevant is whether a student athlete graduates

13 within six years of enrolling in the institution and makes no

14 distinction of the purpose a student has for leaving, and

15 whether or not they leave a university in good academic
16 standing, the university may be penalized. That would be a
17 correct statement?

18 A. Within six years, is that what you said?

19 Q. Yes.

20 A. That's wrong. That's wrong.

21 Q. Are you aware as to whether or not the NCAA, as of
22 two months ago, just amended those rules?

23 A. Yes.

24 Q. Yes, you're aware of it or you're not?

25 A. I'm aware of it. That's not why it's six years.

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1 Q. So if this said that, that would be wrong?

2 A. Yes.

3 Q. If it was dated as of today's date?

4 A. That is wrong, six years.

5 Q. What is the year?

6 A. Doesn't matter. Somebody comes back and graduates
7 you get rewarded for these.

8 Q. But you have to graduate, correct?

9 A. Yes.

10 Q. And the purpose of this rule would be for academic,
11 for athletic programs to graduate their students, correct?

12 A. Yes.

13 Q. Okay. Because if you don't, there's a possibility

14 you might be penalized, correct?

15 A. Yes.

16 Q. You might lose a scholarship, correct?

17 A. Yes.

18 Q. Mr. Ford, do you remember speaking with Fran

19 Fraschilla back in March of 2012?

20 A. I'm sure I did at some point.

21 Q. Probably do a lot of those, right?

22 A. Yes.

23 Q. It's hard to remember.

24 A. Yeah.

25 Q. Isn't it true that you made the statement that if

42

1 you take this nucleus of kids who are coming back with

2 hopefully Darrell Williams and you throw in Marcus Smart,

3 they could be very, very, very good next year?

4 A. Yes.

5 Q. You believe that's a statement you've made?

6 A. Could -- yeah, I think. Yes.

7 Q. Because your team will be very, very, very good if

8 you have Darrell Williams next year, correct?

9 A. And without him. I mean, with or without, that
10 doesn't determine whether we're going to be good or not.

11 Q. But he would help you, right?

12 A. All of our players --

13 Q. No, no, no. Listen to my question, sir. Would
14 Darrell Williams help your team next year?

15 A. Oh, sure. Yes.

16 Q. And I believe it was your testimony that Darrell
17 Williams, Jarred Shaw and Marshall Moses, is it your
18 testimony that they look similar?

19 A. Yes.

20 Q. You would agree with that statement?

21 A. Well, same height, same skin type, color, yes.

22 Q. And isn't true that Marshall Moses actually has
23 facial hair that goes from one ear to the other?

24 A. Depends on what day it is.

25 Q. Back in December of 2010, do you believe he had the

43

1 facial hair from one ear to the other?

2 A. Oh, I don't know. I can't remember that. I don't
3 know. He changed. Some days he would not have any. Week
4 later he may have a goatee. Okay.

5 Q. Did you spend a lot of time with him?

6 A. Marshall, yes.

7 Q. And back in 2010 or fairly recently, you didn't
8 remember whether he has facial hair or not, yes or no?

9 A. I don't remember, no.

10 Q. Okay.

11 MS. TONTZ: Your Honor, may I approach the witness?

12 THE COURT: You may.

13 MS. TONTZ: Your Honor, may I approach?

14 THE COURT: You may.

15 MR. BAKER: May we approach, Your Honor?

16 THE COURT: You may.

17 (Following bench conference had outside hearing of jury)

18 MR. BAKER: Counsel indicates it's on a CD. I know
19 I haven't seen the CD. I'm not saying she's wrong. I'm just
20 saying I haven't seen it. There's no foundation laid as to
21 time it was taken, whether or not it depicts this player on
22 the day this happens, because he's already said they change
23 their facial hair day to day. And there's nothing there.
24 Nothing on it. I know this. There's nothing on the CD we
25 got that would tell us when photos were taken.

1 MS. TONTZ: Your Honor, may I respond? I have asked
2 him one question about the photographs thus far. It's the

3 State's position that he testified on direct examination as
4 to the fact that Jarred Shaw, and on cross examination, that
5 Jarred Shaw, Marshall Moses and Darrell Williams all look
6 very similar.

7 I would like to approach with three individuals
8 photographs of these individuals and ask him if he recognizes
9 this, and if this accurately reflects how he viewed them
10 during that time frame.

11 MR. BAKER: If we have no information to when they
12 were taken, and that's what's important. It's just like,
13 just like showing the team photo that was done in August.

14 MS. TONTZ: I don't think that it matters. I mean,
15 sorry to interrupt you. Mr. Baker presented some photos at
16 preliminary hearing, and we didn't know who took them. I
17 don't think that's the issue as to whether this witness has
18 identified who's in the photo and whether that's an accurate
19 reflection of the person.

20 I mean, he may say no. That's not what he looks
21 like, and I then I walk away from it. And he has testified
22 as to physical characteristics that I believe are not true,
23 and it's not how those individuals looked back in December.

24 THE COURT: The Court determines whether or not it
25 accurately depicts what's in the photo, but if you're going

1 to use something for impeachment you'll have to have some
2 foundation of when they were taken. They could be taken
3 yesterday.

4 If you have something you can show them or somebody
5 to come and sponsor the photos to say when they were taken,
6 you can use the photo then.

7 MS. TONTZ: I just believe that he could identify
8 whether it was an accurate reflection from him spending so
9 much time. He should be able to tell whether they, I mean,
10 I can ask him about it.

11 THE COURT: You can show him the photograph and ask
12 him when it was taken.

13 MS. TONTZ: May I approach, Your Honor?

14 (Following proceedings had within hearing of jury)

15 Q. (By Ms. Tontz) I'm going to hand you what I marked
16 for identification purposes as State's Exhibit 18, and do you
17 recognize that photograph?

18 A. Yes.

19 Q. Do you recognize that individual in that
20 photograph?

21 A. Yes.

22 Q. Okay. And how is it that you recognize that
23 photograph?

24 A. It's one of my former players.

25 Q. And please tell the jury who this former player is.

1 A. Marshall Moses.

2 Q. And does that photograph, is that how you perceive
3 Marshall Moses to look?

4 A. Yes.

5 Q. And he has a beard from ear to ear in that
6 photograph, correct?

7 A. On this day.

8 Q. Okay. And he's wearing an Oklahoma State, what is
9 that in that photo, that a practice jersey?

10 A. I think so, yes.

11 Q. Okay. But in this particular photograph it goes
12 from ear to ear, correct?

13 A. Yes.

14 MS. TONTZ: Your Honor, may I approach?

15 THE COURT: You may.

16 MR. BAKER: We are going to make the same objection
17 as far as the foundation.

18 THE COURT: The Court sustains that at this time.

19 MS. TONTZ: May I approach him?

20 THE COURT: You may.

21 Q. (By Ms. Tontz) And I'm going to hand you what I've
22 marked just for identification purposes as State's 19. Do
23 you recognize that photograph?

24 A. Yes.

25 Q. And how is it that you recognize that photograph?

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1 A. Darrell Williams.

2 Q. Okay. Does Darrell Williams have any type of facial
3 hair in that photograph?

4 A. It looks like it.

5 Q. On his chin?

6 A. More than on his chin.

7 Q. Just right here?

8 A. No, up in here (indicating).

9 Q. It goes to his ears, correct, you believe?

10 A. I mean, it kind of, to me it kind of looks like it
11 does over here, yeah, I mean, marks.

12 Q. You are under oath today, right?

13 A. Yeah, I mean --

14 Q. It's your, it's your testimony that that goes to his
15 ears?

16 A. It's hard to tell. I mean, it goes close. I mean,
17 kind of hard to tell.

18 Q. And you're under oath today, correct?

19 A. Yes.

20 Q. Do you think Marshall Moses and Darrell Williams

21 look alike?

22 A. No, they don't. Like, I mean --

23 Q. It's a yes or no. It's a yes or no.

24 A. That's a hard yes or no.

25 Q. You said no, so...

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1 A. Do they look alike? Not identical, I mean --

2 Q. Okay. Yes or no. And isn't it true that when

3 Jarred Shaw told you that he was leaving the university he

4 told you he was leaving because he was not getting enough

5 playing time? True or false?

6 A. Yes.

7 Q. That's true?

8 A. Yes.

9 Q. And what is Darrell's major?

10 A. I think it's sociology, I believe.

11 Q. And have you ever observed Darrell Williams

12 drinking --

13 A. I have not.

14 Q. -- alcohol.

15 A. I have not.

16 Q. So you've never been around him when he's out at a

17 party?

18 A. No, I have not.

19 Q. Have you ever been around him when he was
20 intoxicated or under the influence of marijuana?

21 A. No, I think --

22 Q. It's just yes or no.

23 A. No.

24 Q. So you have no personal knowledge as to how Darrell
25 Williams may act if he's intoxicated, yes or no?

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1 A. No.

2 Q. And that's because you've never been around him,
3 right, when he was intoxicated?

4 A. Right, if he has been.

5 Q. It's yes or no. So it's no?

6 A. No, I have not been.

7 Q. And you said if he had been. You testified you had
8 read these police reports --

9 A. Uh-huh.

10 Q. -- correct. Where did you get those?

11 A. I don't remember. I don't remember. I have no
12 idea.

13 Q. You're aware the police department doesn't give out
14 law enforcement reports to citizens?

15 A. No.

16 Q. You didn't go to the police department and get them,
17 did you?

18 A. No.

19 Q. Are you aware that Darrell Williams made a written
20 statement?

21 A. Yes.

22 Q. Did you read that?

23 A. Yes.

24 Q. Are you aware that that statement states he had been
25 drinking?

50

1 A. Yes.

2 Q. That he was drinking alcohol at this party,
3 correct?

4 A. I assume, yes.

5 Q. And I'm assuming since, and I couldn't remember.
6 Did you read all of the police reports?

7 A. All the different --

8 Q. Was there different officers' names on these
9 reports, and just if you can remember?

10 A. I can't remember.

11 Q. Okay. Were there a lot of them or a small amount?

12 A. Of what?
13 Q. Reports.
14 A. Reports?
15 Q. Police reports.
16 A. Oh, I read one.
17 Q. Okay. You read one?
18 A. Yes.
19 Q. Do you remember whose?
20 A. I don't remember the name, no. I don't remember the
21 name.
22 Q. Okay. Did you read any written statements?
23 A. From the -- from who?
24 Q. Well, I thought you testified on direct examination
25 that you had read statements by, like, 26 people.

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1 A. Yes, I've read, yes.
2 Q. So you read all those individuals' statements?
3 A. Yes, I did. Yes.
4 Q. Okay. Are you aware in those statements that --
5 or strike that. Isn't it true that in those statements those
6 statements reflect that men from the Oklahoma State
7 University basketball team were wearing OSU warmup suits at
8 this party? Is that what those reports reflected?

9 MR. BAKER: Object to the form of the question.

10 Certainly reflect something more than what she just asked.

11 THE COURT: They may, but you may answer that

12 particular question if you will.

13 A. I'm sorry?

14 Q. (By Ms. Tontz) When you read through all these 26

15 reports or statements, you with me?

16 A. Yes.

17 Q. Okay. Isn't it true that in those written

18 statements men from the Oklahoma State University basketball

19 team were alleged to have been drinking at this party in

20 their OSU warmups? Yes or no?

21 A. Well --

22 Q. Did you read that? It's a yes or no.

23 A. I read that, yes. I read that, but it wasn't true.

24 Q. It wasn't true?

25 A. Yeah. There was other people in there with Oklahoma

52

1 State gear on that were not basketball players as well.

2 Q. Who was that?

3 A. Yayi.

4 Q. Other than -- okay. And other than that, who was

5 there in these OSU warmups that wasn't on your team?

6 A. That's all I know of.

7 Q. So just one person?

8 A. Yes, as far as I know.

9 Q. But the others were alleged to have worn their
10 uniforms and drank, correct?

11 A. Yes.

12 Q. Is that acceptable behavior to the head coach of the
13 men's basketball team?

14 A. Absolutely not.

15 Q. And Darrell wrote that in his statement.

16 A. Yes.

17 Q. That he was drinking.

18 A. He told me that yes.

19 Q. Was he disciplined in any way, yes or no, for that
20 behavior?

21 A. For drinking, no.

22 Q. No, no, no. Drinking his warmups. Was he
23 disciplined?

24 A. No.

25 Q. Was anyone on the team disciplined for drinking in

1 their OSU warmups?

2 A. No.

3 Q. And isn't it true that Jarred Shaw is significantly
4 skinnier than Darrell William and Marshall Moses?

5 A. No, not significantly, no.

6 Q. So if -- strike that. And I want to go back to the
7 beginning of your direct testimony. So I apologize for
8 jumping around. You received this letter on December 15th,
9 correct?

10 A. I believe that's the date, yeah. Somewhere in
11 there.

12 Q. Would that have been a Wednesday? Would that sound
13 right?

14 A. I think that sounds about right.

15 Q. A day before the police came?

16 A. Sound right.

17 Q. Does it sound right?

18 A. Sounds right. Sounds right.

19 Q. Did you personally receive that letter?

20 A. It was on my desk, I believe, when I got there.

21 Q. But you were not there --

22 A. No, I was not.

23 Q. -- correct. And when did you sit down and read that
24 letter? Was it on the 15th?

25 (Pause)

1 Q. (By Ms. Tontz) Because, let me help, because the
2 police, I think, came and spoke with you and Darrell on the
3 16th.

4 A. Then it would have been on the 15th, yeah.

5 Q. And isn't it true that once you received that letter
6 you did not call the police? Yes or no?

7 A. No.

8 Q. And instead, you actually met with your team,
9 correct?

10 A. I meet with my team every day.

11 Q. No, no. Please listen to my question. Instead of
12 calling the police after receiving this letter, you meet with
13 your team about this letter.

14 A. No.

15 Q. That's not true?

16 A. Not the whole team.

17 Q. Okay. You met with Darrell Williams and Marshall
18 Moses, yes or no, on the 15th?

19 A. And Ray Penn.

20 Q. Okay.

21 A. Another player, because I was told --

22 Q. No, just answer my question. Isn't it true you met
23 with Marshall Moses and Darrell Williams at your residence on
24 the evening of December the 15th in regards to this letter?

25 A. Yes.

1 Q. And Ray Penn was not there, correct?

2 A. Ray Penn was at the meeting.

3 Q. So if Darrell Williams wrote in his statement or
4 told law enforcement that the only people present were
5 Marshall and himself, would that be incorrect?

6 A. Yeah. I think Ray was there. I mean, he was.

7 Q. Where was -- Marshall Moses told Detective Little
8 and wrote in his statement that the only people present at
9 your house on the evening of the 15th were Darrell Williams
10 and Marshall Moses when they had a conversation with --

11 A. Who said that?

12 Q. Marshall Moses. Would he be incorrect?

13 A. No, that could be true. I might have just -- Ray
14 might not have been there. I know Ray was brought up, and I
15 quickly found out he wasn't even at the party. I thought I
16 called him over to my house. I might not have. I might not
17 have.

18 Q. Okay. Does that refresh your memory or your
19 recollection? You think he wasn't there now, yes or no?

20 A. No.

21 Q. Okay. It's okay. It was a long time ago, right?

22 A. A year and a half. I just remember he was involved.
23 His name kept getting brought up. When I landed they said

24 Ray Penn.

25 Q. Sir, just answer my questions.

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1 A. That's what I remember, so I assume --

2 MS. TONTZ: Your Honor, I would ask that you
3 instruct the witness just to answer my questions and not give
4 personal narratives from the witness stand.

5 THE COURT: Just listen to the question.

6 WITNESS FORD: Sorry.

7 Q. (By Ms. Tontz) And I believe you testified on
8 direct examination that you felt this was a serious matter,
9 correct?

10 A. Yes.

11 Q. But you didn't think it was so serious to call the
12 police, right? It's yes or no.

13 A. Repeat that.

14 MR. BAKER: Your Honor, objection. Asked and
15 answered. He's already answered the question.

16 THE COURT: No, you may restate your question.

17 WITNESS FORD: Yeah, I don't quite understand.

18 THE COURT: Restate the question.

19 Q. (By Ms. Tontz) Isn't it true that you testified on
20 direct examination that you believed this was a very serious

21 matter?

22 A. Yes.

23 Q. Yes?

24 A. Yes.

25 Q. If you thought it was so serious, why did you not

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1 call the police?

2 A. Because I was -- it said that they received a copy

3 as well of the letter.

4 Q. Okay. Okay.

5 MR. BAKER: Your Honor, let him answer. He's still

6 answering. She's cutting him off.

7 THE COURT: He answered the question.

8 WITNESS FORD: I --

9 THE COURT: Hang on. Ask your next question.

10 MS. TONTZ: Thank you, Your Honor.

11 Q. (By Ms. Tontz) And isn't it true that while you're

12 at your residence on the evening of the 15th that you spoke

13 to Darrell Williams and Marshall Moses together?

14 A. Yes.

15 Q. You did not separate them, correct?

16 A. No.

17 Q. How long did you speak to them that evening?

18 A. Oh, I can't remember. I can't remember. I really

19 don't remember. I can't remember how long it was.

20 Q. Okay.

21 A. I can't remember exactly how long it was.

22 Q. That's fair enough. Would you agree with the

23 statement that Marshall Moses did most of the talking that

24 evening?

25 A. He knew more details.

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1 Q. Okay. And you never at any point made a phone call

2 to the police department and advised them you would cooperate

3 with them, correct?

4 MR. BAKER: Objection.

5 THE COURT: It's a different form of the question.

6 You may answer.

7 A. Say it again.

8 Q. (By Ms. Tontz) Isn't it true that you never called

9 the police department and advised them that you would

10 cooperate in their investigation?

11 A. No.

12 Q. Yes or no.

13 A. No, they already knew.

14 Q. No? Isn't it also true that you never reported to

15 anyone outside of the university the events of this letter?

16 You never notified any outside source?

17 A. I couldn't.

18 Q. Like any type of law enforcement agency?

19 A. They already knew.

20 Q. And I want to talk about when law enforcement

21 arrived at Gallagher Iba.

22 A. Uh-huh.

23 Q. I believe that you testified that was Thursday

24 correct?

25 A. I believe so. I believe so.

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1 Q. Right, of December?

2 A. I think that's correct.

3 Q. Okay. Are you aware and -- strike that. I think

4 you testified on direct examination that they just, meaning

5 police, just walked in. Do you remember that?

6 A. I think that's right.

7 Q. Are you aware as to whether or not an assistant

8 coach led them to your area?

9 A. Well, that could have been true. Yeah, I wouldn't

10 know. That could be true.

11 Q. Okay. And isn't it true that at some point in time

12 you spoke to your entire team about this letter together?

13 A. I don't know about the letter. I don't know if it

14 was about the letter.

15 Q. About the incident or the facts?

16 A. As a whole team together?

17 Q. Yes.

18 A. I do not recall that.

19 Q. You don't recall doing that?

20 A. I don't recall that.

21 Q. So if one of your players had made a statement to

22 that effect, would that be incorrect?

23 A. No, I don't recall it. I don't recall it, no.

24 Q. Okay. Who all have you spoken with prior to coming

25 to court today to testify?

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1 A. Spoken with?

2 Q. About this case and your testimony today.

3 A. I don't know.

4 Q. Did you speak to Willie Baker?

5 A. About my testimony?

6 Q. Yes, or about this case.

7 A. I knew I was going to testify, yes.

8 Q. Okay. Have you ever had a conversation with him

9 about this case?

10 A. Yes.

11 Q. Have you had a conversation with him about your
12 testimony?

13 A. Yes.

14 Q. And you read all of the police reports, correct?

15 A. Not all. I may not have read them all.

16 Q. But you read, like, 26 witnesses' statements?

17 A. I read that there was -- yes. Yes.

18 Q. Did you ever speak with Cheryl Ramsey in regards to
19 preparing to come to court today?

20 A. I don't -- in what manner?

21 Q. About your testimony.

22 A. Yes.

23 Q. When is the, or I'm sorry. Did you have a
24 conversation with Darrell Williams today about your
25 testimony?

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1 A. Other than he knew I was testifying, but no.

2 Q. And isn't it true you had a conversation with him
3 last Monday on the noon hour? Correct?

4 A. Are you aware of whether you met with Mr. Williams
5 on last Monday at noon?

6 A. I'm trying to think what day that was. Oh, yes.

7 Yes.

8 Q. So that would be correct, right?

9 A. Yes. Yes.

10 Q. Okay.

11 A. I've been --

12 Q. And it's just yes or no. Did you speak to anyone
13 else about this case from the moment this happened until
14 today?

15 A. Yes, quite a few people.

16 Q. Talk to a lot of people?

17 A. Uh-huh.

18 Q. And are you aware as to whether or not your wife has
19 been present in these proceedings every day?

20 A. Yes.

21 Q. Are you aware that she's been taking notes?

22 A. Yes.

23 Q. And have you spoken to her in the evening time about
24 her notes in this case?

25 A. Not about her notes, no.

1 Q. Okay. Has she been telling you what's been
2 happening in court?

3 A. No, I don't ask her. I know everything. I mean, I
4 know all the facts in this. I don't ask her.

5 Q. That's because you did your own investigation,
6 right?

7 A. Well, yeah. I did, I've done a lot, a lot.

8 Q. It's yes or no.

9 THE COURT: No, that --

10 MR. BAKER: Objection, Your Honor. That --

11 THE COURT: -- particular question is not a yes or
12 no. It's been asked and answered at this point.

13 Q. (By Ms. Tontz) What type of team rules do you have
14 for your team or are there team rules?

15 A. Oh, yes.

16 Q. Okay. What are those?

17 A. Go through them all? I got a lot.

18 Q. Personal conduct rules.

19 A. As in what? I mean, I got a lot of rules I, you
20 know --

21 Q. Let me ask you this: Is there a rule, is there a
22 team rule that prohibits a player from drinking alcohol in
23 their warmup?

24 A. In their warmup, no. No.

25 Q. You don't believe that that behavior should be

1 disciplined in any way, correct? Yes or no?

2 A. If he's over 21, no.

3 Q. And when law enforcement arrived at your office on

4 December the 16th, 2010, isn't it true that Detective Little

5 advised he had a search warrant for Darrell Williams'

6 phone?

7 A. I believe he did.

8 Q. Okay. And isn't it true that Detective Little also

9 advised that he was there to speak with them about the

10 alleged sexual assault that occurred?

11 A. Yes, he did.

12 Q. And isn't it true after he advised both of those

13 things you asked he wait until your team was finished

14 practicing before he met with Darrell?

15 A. And no.

16 Q. That's not true?

17 A. That's not true.

18 Q. And isn't it true that they arrived about 11:00

19 in -- not sure?

20 A. Who arrived at 11:00?

21 Q. The police.

22 A. I don't know. I don't know.

23 Q. That's okay.

24 A. I don't know.

25 Q. Would you agree with the statement that after they

1 arrived that you advised them or you asked them --

2 A. Yes.

3 Q. -- if they would wait for about ten minutes.

4 Correct?

5 A. Yes.

6 Q. And isn't it true that Darrell Williams never

7 appeared with you until about 30 minutes later? Correct?

8 A. I don't know about that. I don't know the

9 timetable. I don't know the time. I do know I asked him if

10 I could meet with your team concerning the game because all

11 the players, you know, I had 14 players in there. I said do

12 you mind if I talk to my team about the game, and then as

13 soon as I'm done, you can have them. And he said no

14 problem.

15 Q. Okay. But this was a serious matter, right?

16 A. Yes.

17 Q. It's an alleged sexual assault, correct?

18 A. Yes.

19 Q. But you needed to finish your team meeting?

20 A. Well, I had other players. I had ten other players

21 in the meeting that, you know, that we had to go. We were

22 going over the game and practice, and I asked them if it was

23 okay. I asked them.

24 That was up to him. I asked him, do you mind, and
25 because I didn't want there to be guys walking out and then

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1 it would distract the other players who had nothing to do

2 with, other guys in there and then --

3 Q. Okay.

4 A. -- he said no problem.

5 MS. TONTZ: Your Honor --

6 Q. (By Ms. Tontz) Isn't it true that after Detective

7 Little advised you he had a search warrant for Darrell's

8 phone you asked Detective Little if you could get Darrell's

9 phone for him?

10 A. I don't remember that.

11 Q. So if Detective Little wrote that in his report,

12 would that be incorrect?

13 A. I just don't remember that at all.

14 Q. It's possible it could happen?

15 A. I asked him if I could get the phone?

16 Q. Yes.

17 A. I guess that's possible. I don't remember saying

18 that, but it's possible.

19 Q. And you had testified on direct examination that

20 you've read all those reports, and isn't it true that inside

21 those reports there were allegations that men in OSU uniforms
22 or warmups, excuse me, were groping girls --
23 A. Yes.
24 Q. -- throughout the night.
25 A. Yes.

66

1 Q. Do you remember reading that?
2 A. Yes.
3 Q. And that girls had to slap their hands away from
4 these men, correct?
5 A. Yes.
6 Q. Your testimony on cross examination is that all of
7 those individuals were players but for Yayi, correct?
8 MR. BAKER: Objection. I don't believe that is his
9 testimony. Challenge the record.
10 THE COURT: You may answer that question.
11 A. Repeat that. I'm sorry.
12 Q. (By Ms. Tontz) I'll start from the beginning. On
13 direct examination and cross examination, you testified that
14 all of the individuals at this party that were wearing
15 warmups were basketball players but for Yayi, correct?
16 A. Yes.
17 Q. And isn't it true that law enforcement was

18 interrupting your practice to speak with your players?

19 Correct?

20 A. They met them during practice.

21 Q. And that was an inconvenience to you, correct?

22 A. No. I had no problem with that.

23 Q. But you made them wait, correct?

24 MR. BAKER: Objection, Your Honor. Asked and

25 answered.

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1 MS. TONTZ: I'll strike that.

2 A. No.

3 THE COURT: Hang on. Sustained.

4 Q. (By Ms. Tontz) You were not present at this party

5 on the evening of December 11th and the early morning hours

6 of December 12th, correct?

7 A. No.

8 Q. That's no, you weren't present?

9 A. I was not there.

10 Q. Okay. And in fact, you have no personal knowledge

11 whatsoever as to what happened at that party on the evening

12 of December 11th, December 12th, 2010, correct?

13 A. Exactly what happened, no.

14 Q. Because you weren't there, right?

15 A. Yes.

16 MS. TONTZ: Your Honor, may I have just a moment?

17 THE COURT: You may.

18 Q. (By Ms. Tontz) And you testified on direct
19 examination that you knew Darrell Williams didn't do this,
20 correct?

21 A. Yes.

22 Q. But you don't know because you were not there,
23 correct?

24 A. He's proven it to me.

25 Q. No, that's not my question. You were not at this

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1 party, correct?

2 MR. BAKER: Asked and answered, Your Honor.

3 THE COURT: Sustained. It's been asked and
4 answered.

5 Q. (By Ms. Tontz) You have no idea who assaulted these
6 girls or didn't, correct?

7 A. No. I just know Darrell Williams didn't do it.

8 THE COURT: Any redirect?

9 MR. BAKER: Yes, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. BAKER:

12 Q. Now, in regard to Jarred Shaw, Ms. Tontz asked you
13 some questions about when he left. He left at the end of
14 2011 semester, is that right?

15 A. Yes, he left at the end of the semester.

16 Q. Did he, did you know he was leaving during the
17 school year? He was leaving at the end of the school year?

18 A. Yes.

19 Q. Now, you've indicated you were surprised he was
20 leaving, right?

21 A. Yes.

22 Q. And what did you do when you learned that he was
23 leaving to try and convince him to stay?

24 A. We could did not understand at all why he was
25 leaving.

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1 MS. TONTZ: Who's we? Who's we?

2 A. All the coaches. We actually flew to Dallas and met
3 with his mother, trying to figure out why is he leaving.

4 Q. (By Mr. Baker) Did you ever, as a result of talking
5 to him, talking to his mother, did you ever get to the point
6 where you said, okay, I understand it. It make sense?

7 A. No, no. I mean, he was --

8 THE COURT: Hang on. You've answered that

9 question.

10 Q. (By Mr. Baker) And when did he say, as Ms. Tontz
11 asked, did he say to you or to your other coaches that he was
12 concerned about playing time?

13 A. Yes.

14 Q. And what did you, did you tell him about playing?

15 A. It was his position. The players in his position
16 were leaving. They were seniors, Marshall Moses and Matt
17 Pilgrim. He'd been here two years to prepare for his time.
18 We were trying to let him know how much we thought of him and
19 that he was being an impact player on our team.

20 Q. And tell me if you recall, you identified earlier
21 the affidavit that we marked for identification purposes as
22 an exhibit of Jarred Shaw. Do you recall the timing of when
23 that affidavit was delivered or that you learned of it in
24 comparison to when he told you he was leaving?

25 A. It was probably a couple months right -- he told us

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1 he was leaving right after the season was over. So would
2 have been May, was right before he left, right before he left
3 town.

4 Q. And school typically --

5 A. Couple months after he told us he was leaving or A

6 month or so.

7 Q. Well, when did you first hear that he was leaving?

8 A. He came in and talked to me.

9 Q. When though, when would that have been?

10 A. Oh, that would have been, it was probably, I think
11 it was early April or end of March, end of April. It was a
12 couple weeks after the season was over, sometime after the
13 season was over, somewhere in there.

14 Q. When did you go down to Dallas and meet with his
15 mother?

16 A. Needed to stay.

17 Q. After you met with his mother, do you have any
18 reason to think he was still going to transfer?

19 A. No, we thought he still might stay.

20 Q. When did you learn -- when did he come to you -- let
21 me back up. Is it customary or required under NCAA rules
22 that a player gets a release before he be transferred to
23 another school?

24 A. Yes, it is.

25 Q. Does that mean you or someone on behalf of the

1 university has to sign a document?

2 A. I do not have a sign a document but compliance

3 department does.

4 Q. But somebody at OSU has to sign something.

5 A. Did he ask for that release, yes, a couple weeks
6 after we tried to talk him into staying.

7 MS. TONTZ: Your Honor, I'm going object as being
8 non-responsive.

9 MR. BAKER: Pardon?

10 THE COURT: Listen to the question. Answer the
11 question.

12 Q. (By Mr. Baker) And when did you learn that he
13 definitely was leaving? When did you become aware of it?

14 A. Once he got his degree and he left town.

15 Q. So if the release was signed on May 5th, you think
16 he left shortly after that?

17 A. Yes. Yes.

18 Q. Now, Ms. Tontz asked you some questions about APR, I
19 guess, originally the national or federal, but APR, you're
20 familiar it?

21 A. APR. Yes.

22 Q. Isn't that something that your staff works with
23 other units of the university on?

24 A. Yes.

25 Q. And in particular, who do you work with?

1 A. Ms. Marilyn Middlebrook.

2 Q. What is her title or position to Oklahoma State?

3 A. She's head of academics at Oklahoma State for
4 athletes.

5 Q. Okay. And does she, in particular she or other
6 members of staff, work with the players on your team?

7 A. Yes.

8 Q. And in regard to APR, does she or other members of
9 her staff, do they share information with you and your staff
10 about APR?

11 A. We almost talk about it weekly, where we're at.

12 Q. It is a concern at the university --

13 A. Yes.

14 Q. -- isn't it. Were you trying to keep Darrell
15 Williams just so you could keep your grades looking good for
16 APR?

17 A. Absolutely not. I never even thought about it.

18 Q. Was today the first time?

19 A. Yes, first time I ever thought about it.

20 Q. If you'd dismissed Darrell Williams at or about the
21 time you read this letter or up to any time when charges were
22 filed, could you have you filled that scholarship?

23 A. Yes.

24 Q. When you go recruiting, are you looking for players
25 who are going to keep it at the same level or what do you do?

1 MS. TONTZ: I'm going to object as to relevance as
2 to recruiting.

3 THE COURT: Objection is overruled, but I'm not sure
4 I understand the question.

5 MR. BAKER: Okay.

6 THE COURT: Rephrase.

7 Q. (By Mr. Baker) When you're recruiting players --

8 A. Uh-huh.

9 Q. -- to fill a vacancy like if you dismissed Darrell
10 Williams --

11 A. Yes.

12 Q. -- are you trying to find somebody who is just the
13 same level as Darrell Williams, not quite as good as Darrell
14 Williams or better than Darrell Williams?

15 A. Better than Darrell Williams.

16 Q. No offense. I mean, when you recruit, what are you
17 trying to get?

18 A. The best possible player and person we can get.

19 Q. Do you, based upon the recruiting that you've done
20 at Oklahoma State since December of 2010, do you have any
21 reason to think you couldn't have replaced him with an equal
22 or better player?

23 A. We could have, most good chance, yes.

24 Q. You ever heard of Darrell Williams being drunk?

25 A. Have I ever heard of him being drunk, no.

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1 Q. Have you ever heard him smoking marijuana?

2 A. Never.

3 Q. Do you have random urinalysis tests done?

4 A. Absolutely.

5 Q. Drug tests?

6 A. Yes, we do.

7 Q. Has he ever flunked one?

8 A. No.

9 Q. How many times do you recall, if you know, how many
10 teams he had to drug test?

11 A. A minimum of five, a minimum of five random drug
12 tests that he has taken for me, and he has never failed one,
13 ever.

14 Q. Now, you didn't recall when Ms. Tontz asked you, but
15 isn't it true that I provided you with a copy of the police
16 report?

17 A. Very well could be. I didn't remember.

18 Q. And in that police report, there were -- is it
19 correct that there was police reports as well as individual
20 statements?

21 A. Yes.

22 Q. And isn't it true that you also received from

23 Student Conduct another report that was done through a lady

24 by the name of Aleigha Ford?

25 A. That was a separate report.

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1 Q. Right.

2 A. From the university, yes.

3 Q. And did that --

4 A. Yes.

5 Q. I'm sorry. Did that report include interviews of

6 various people who went to this party?

7 A. Yes, it did.

8 Q. Did you read all that?

9 A. Yes, I did.

10 Q. But I understand that when Ms. Tontz asked if you

11 read everything there is, you're not sure you know what

12 everything is, is that right?

13 A. Right. There could have been more, I mean, but I've

14 read the police reports, the university reports, and what I

15 understand, those are who separate reports done separately of

16 each other. And I read both of them.

17 Q. And you, again, you requested the police reports,

18 didn't you? You wanted them.

19 A. I was doing everything in my power to try to find
20 out as much information as I could. Again, I understood what
21 these girls were saying. I just needed more.

22 Q. Okay. Ms. Tontz asked a number of times if you
23 called the police. If you were going to call the police who
24 would you call in regard to a student?

25 A. Which police officer?

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1 Q. Well, I mean, would you call OSU police?

2 A. If I was going to call somebody, maybe OSU police.

3 Q. Okay. And is it correct that you're, the
4 information you'd received was that OSU police as well as
5 President Hargis and other representatives of the university
6 had already received the same letter?

7 A. Yeah. Everybody already knew. There was no reason
8 for me to call the police.

9 Q. Based on what you read in the letter, did you think
10 there was anything there that you had to address at that
11 time, other than what you did?

12 A. Say it again.

13 Q. Let me try that again. Other than making the
14 inquiries you did, did you feel you had any other obligation

15 to take other action?

16 A. No.

17 Q. Ms. Tontz was asking you about police arrival, and I
18 think it's clear. But just to be sure, they did call, they
19 being either OSU police or Stillwater police, and say we'd
20 like to come over and talk to you. We need to meet with some
21 of your players. They didn't call and make that inquiry.

22 A. I don't remember that, no.

23 Q. Well, if one of your other coaches or someone on
24 your staff had received that type of call, would you expect
25 you would have heard that?

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1 A. I would have thought, yes.

2 Q. Is that customary they report to you? You're the
3 head coach.

4 A. Yes.

5 Q. When they arrived, were you already or had the
6 players already gathered in the room for a team meeting?

7 A. Yes, they were already in there.

8 Q. Ms. Tontz asked -- well, let me back up. On direct
9 exam you said you asked if you could wait about 30 minutes.
10 She asked a question, did you ask they wait for ten minutes.
11 Do you remember?

12 A. No. I mean, before our typical meeting before
13 practice is usually 15 to 30 minutes, and I don't remember.
14 I don't remember if I asked him if they could wait ten
15 minutes. I don't remember. I remember I said --

16 MS. TONTZ: I'm going to object as nonresponsive.

17 THE COURT: Been asked and answered.

18 WITNESS FORD: Sorry.

19 Q. (By Mr. Baker) Did you do anything to try to
20 interfere with the police talking to your players other than
21 what we've already talked to?

22 A. Absolutely not.

23 Q. Ms. Tontz asked you several times after reading the
24 letter why you didn't call the police or did call the police,
25 or it was stated the other way? You didn't call the police.

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1 Do you remember hearing that? Yes?

2 A. Yes.

3 Q. Is anything in that letter that led you to believe
4 that you had a player, Darrell Williams, that committed a
5 crime? Did you believe that?

6 A. No.

7 Q. And after you read all those reports that you read,
8 and again, we know you may not have everything the police

9 department had in their possession. But what you said, what
10 OSU had done, when you read all that, did you ever read
11 anything other than what three girls said that they were
12 indicating Darrell Williams?

13 A. No.

14 MR. BAKER: Just a moment, Your Honor, please.

15 Q. (By Mr. Baker) Ms. Tontz asked if you knew you were
16 under oath.

17 A. You realize that, don't you?

18 A. Yes.

19 Q. Are you telling the truth?

20 A. Yes.

21 Q. Would you lie or cover up for your players?

22 A. Absolutely not.

23 Q. Would you lie for Darrell Williams?

24 A. No, I would not.

25 Q. Thank you.

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1 THE COURT: Any recross?

2 MS. TONTZ: Yes, Your Honor.

3 RE CROSS EXAMINATION

4 BY MS. TONTZ:

5 Q. Try to be brief. I'm usually not. Mr. Baker had

6 just asked you some questions about whether or not you
7 believed when you read the letter if any of your players had
8 committed a crime. Do you remember that question?

9 A. Yes.

10 Q. Okay. When, isn't it true, the first time you
11 viewed that letter was December 15th, 2010? Correct?

12 A. Yes.

13 Q. And you read that letter at that time, correct?

14 A. Yes.

15 Q. And at that time you did not have any police
16 reports, correct?

17 A. Yes.

18 Q. And you had not started your own investigation,
19 correct?

20 A. Yes, you're correct.

21 Q. You had not met with Darrell Williams at that time,
22 correct, right when you received the letter? What time did
23 you receive the letter? Was that during the daytime? It's
24 okay.

25 A. It was on my desk when I -- I had -- I don't know.

1 I believe I talked to him before I read the letter, after I
2 got a phone call.

3 Q. But hadn't started your investigation regarding
4 reading --

5 A. No, I had not started doing, trying to --

6 Q. And at that time, you did not believe that anyone of
7 your players had committed a 'crime when you first read that
8 letter?

9 A. Say that again.

10 Q. You told Mr. Baker that you did not feel like at any
11 point of your time one of your players had committed a crime
12 after reading the letter, right?

13 A. Right.

14 Q. When you first read the letter before you began your
15 investigation, you didn't believe anyone had committed a
16 crime?

17 A. I was not going to accuse them of what somebody
18 said.

19 Q. But at that point you didn't think it would be
20 necessary to call police?

21 A. On the letter it said they sent the letter to the
22 police.

23 Q. And that was enough for you?

24 A. And I had already been told that the police knew
25 about it.

1 Q. Okay.

2 A. Yes.

3 Q. Listen to my question.

4 A. That was enough.

5 Q. That was enough for you.

6 A. That somebody told me --

7 Q. No, no.

8 A. -- that I was told they already called police, and

9 on the letter it says they sent it to the police. I assumed

10 they already knew.

11 Q. Okay. And listen to my question, please. And based

12 upon that information that you believed on this letter that

13 the police had been notified, that was enough for you in

14 regards to whether or not you needed to call the police or

15 not.

16 MR. BAKER: Objection. Asked and answered multiple

17 times.

18 THE COURT: Sustained. It's been asked and

19 answered.

20 Q. (By Ms. Tontz) And isn't it true that Jarred Shaw

21 requested a transfer?

22 A. Yes.

23 Q. And are you aware as to whether or not he is playing

24 basketball at a university in Utah?

25 A. Utah State.

1 Q. You believe he is currently playing basketball,
2 correct?

3 A. I think he's on their team right now.

4 Q. Okay. And Mr. Baker asked you about some random
5 drug tests. Do you remember those questions?

6 A. Yes.

7 Q. Are you aware that Darrell Williams failed to appear
8 for a drug test with the Student Conduct in March of 2011?

9 MR. BAKER: Objection, Your Honor. Okay. May we
10 approach?

11 THE COURT: You may.

12 (Following bench conference had outside hearing of jury)

13 MR. BAKER: Counsel has, I can only assume, you're
14 intentionally misstating that. He did not fail to appear.
15 He was given a time frame to do something. He didn't fail to
16 appear at a certain time or point. He was told to get a
17 test. That's what the record reflects.

18 MS. TONTZ: I can rephrase my question.

19 THE COURT: The question to him was if he'd failed a
20 drug test. It was important you get in that information, you
21 shouldn't have any records determining his results without
22 having a waiver. So be careful. If it's something he
23 requested, that's different than something the school --

24 MS. TONTZ: Well, it was, I believe that it was
25 requested. It was mandatory on the basketball team. That

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1 was my understanding. That's why I asked it from reading the
2 report.

3 MR. BAKER: No, Student Conduct.

4 MS. TONTZ: I'll ask it to him, and I'll ask it to a
5 different witness.

6 (Following proceedings had within hearing of jury)

7 Q. (By Ms. Tontz) And Mr. Ford, isn't it true, and Mr.
8 Baker had asked you some questions about the APR. Do you
9 recall those questions? And he asked you about whether or
10 not you didn't dismiss Darrell Williams for an academic
11 purpose.

12 A. Uh-huh.

13 Q. Isn't it true that academics are not only criteria
14 under the APR? Like, the APR has different criteria,
15 correct?

16 A. It's an academic rate. It's academically. It's
17 Academic Performance Rate. APR, it's about academics.

18 Q. But one of those criteria is whether or not they
19 graduate, correct?

20 A. Yes.

21 Q. It doesn't matter about their grades. It's just
22 whether or not they graduate.

23 A. No, that's not true. That's not true.

24 MR. BAKER: Counsel's misstating what the APR is.

25 A. It --

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1 THE COURT: Hang on. Hang on. Mr. Baker?

2 MR. BAKER: Object to the form of the question.

3 Misstated what the APR is, and she has, she's gone way beyond
4 the scope as well.

5 THE COURT: Court believes you're a little bit
6 beyond the scope of redirect, but you may ask concerning the
7 APR. But we are going a little bit beyond.

8 MS. TONTZ: Your Honor, I asked it on direct. So we
9 withdraw the question.

10 THE COURT: Anything further?

11 MS. TONTZ: No, not from the State.

12 THE COURT: You got anything further, Mr. Baker?

13 MR. BAKER: Your Honor, just one question.

14 FURTHER REDIRECT EXAMINATION

15 BY MR. BAKER:

16 Q. She asked you about Jarred Shaw, if he was playing.
17 Has he actually played a game for Utah State?

18 A. No, he hadn't.

19 Q. Thank you.

20 MS. TONTZ: One, Your Honor.

21 FURTHER RECROSS EXAMINATION

22 BY MS. TONTZ:

23 Q. But he's on the team. You testified a minute ago.

24 A. I assume he is. I assume he is, yeah.

25 Q. And minute ago you said he was, and now --

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1 A. I assume he is, yeah.

2 MS. TONTZ: No further questions.

3 A. He's changed in the last --

4 MS. TONTZ: No further questions.

5 THE COURT: May this witness be excused?

6 MR. BAKER: Yes, Your Honor.

7 MS. TONTZ: Yes, Your Honor.

8 THE COURT: Thank you. You may step down and come
9 and go as you please.

10 Ladies and gentlemen, we are going to take a break
11 at this time. So we will be in recess for 15 minutes.

12 Remember your admonition. You may be excused at this time.

13 Court will be in recess for 15 minutes.

14 (Break had)

15 (Further proceedings had but not transcribed in this text)

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1 CERTIFICATE

2

3 STATE OF OKLAHOMA)

)

4 COUNTY OF PAYNE)

5

6 I, Leslie Thompson, a duly-commissioned Shorthand

7 Reporter and official reporter for the District Court of

8 Payne and Logan Counties, State of Oklahoma, do hereby

9 certify that acting as such reporter I attended the hearing

10 had in the above-entitled cause on the 18th day of July,

11 2012, and correctly took down in shorthand all oral

12 proceedings in said cause; that the above and foregoing pages
13 contain a full, true and correct excerpt transcript of the
14 proceedings had, including all evidence introduced and all
15 objections made thereto.

16 IN WITNESS THEREOF, I have hereto set my hand and
17 official seal this 11th day of March, 2015.

18

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LESLIE THOMPSON, C.S.R.

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