

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

FILED

DEC 19 2022

IN THE DISTRICT COURT OF CLEVELAND COUNTY

STATE OF OKLAHOMA In the office of the  
Court Clerk MARILYN WILLIAMS

STATE OF OKLAHOMA, )  
Plaintiff, )  
vs. ) Case No. CF-2019-1273  
DALLAS CHRISTOPHER NORTON, )  
Defendant. )

COPY

VOLUME I  
TRANSCRIPT OF PROCEEDINGS  
HAD ON JUNE 21, 2022  
AT THE CLEVELAND COUNTY COURTHOUSE  
BEFORE THE HONORABLE THAD BALKMAN  
DISTRICT JUDGE  
AND A JURY

RECEIVED  
DEC 29 2022  
APPELLATE DIVISION

REPORTED BY: ANGELA THAGARD, CSR, RPR, CRR

1      **APPEARANCES:**

2      **ON BEHALF OF THE STATE:**

3            MS. JENNIFER AUSTIN  
3            MS. JACOBI WHATLEY  
4            ASSISTANT DISTRICT ATTORNEYS  
4            CLEVELAND COUNTY DISTRICT ATTORNEY'S OFFICE  
5            201 S. JONES, SUITE 300  
5            NORMAN, OK 73069

6      **ON BEHALF OF THE DEFENDANT:**

7            MR. KEITH NEDWICK  
8            MR. CHARLES DOUGLAS  
8            ATTORNEYS AT LAW  
9            130 EAST EUFAULA  
9            NORMAN, OK 73069

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1                   (The following proceedings took place in open court, within  
2                   the hearing of the jury, all parties present:)

3                   THE COURT: Well, good morning, ladies and gentlemen.  
4                   I want to thank you for being here this morning. I want you to  
5                   know that your participation here as a juror at the Cleveland  
6                   County Courthouse is really important and is vital to the  
7                   administration of justice and our system. Without you, we  
8                   really couldn't proceed.

9                   So I want you to know that each of us in this room  
10                  thank you for taking time out of your schedules to respond to  
11                  the summons. I know all of us have important things, important  
12                  places we might rather be or feel the need to be. But I hope  
13                  you ask yourselves, if you were sitting in one of these chairs  
14                  as one of the parties to a lawsuit, that you would want to have  
15                  that constitutional right to have a jury hear your case.

16                  My name is Thad Balkman. I'm one of the district  
17                  judges here in the Cleveland County Courthouse. I want to  
18                  introduce you to some of the people that you'll be spending  
19                  some time with here this week. Perhaps you've met Jami  
20                  Welbourne. Jami is my secretary and also our jury bailiff.  
21                  She'll be the one primarily that you'll talk to. If you have  
22                  questions or concerns, she'll be overseeing that.

23                  Seated next to me right now is Angie Thagard.

24                  Angie is our court reporter. She is taking down every  
25                  word that's spoken. At some point in time you'll be asked to

1 respond to questions. So you'll want to make sure that you  
2 speak up so that she can hear you and properly record what you  
3 say.

4 I also have on the other side of me Gene Foreman. Gene  
5 is a law student who is interning for me this summer, and he's  
6 here to learn and see how this works. We also have Reba from  
7 the court clerk's office. Reba will be helping to seat our  
8 panel this morning.

9 We're going to be seating 28 prospective jurors and  
10 alternates in these chairs and in the jury box. Reba will call  
11 the names to fill those seats. And if your name is called,  
12 please come forward and Jami will direct you where to sit.  
13 Also make sure that you remain in your assigned chair for the  
14 duration of this day. Even when we leave for a break or for  
15 lunch, you'll want to make sure and come back and sit in the  
16 exact same spot you were in, and it's one of these 28 charges.  
17 Also, if your name is not called as one of these 28, you'll  
18 still need to stay in the courtroom and you'll need to listen  
19 attentively because I'm going to be asking questions to those  
20 that are chosen.

21 However, if, for any reason, one of them has to be  
22 excused, then your name could be called to take their place and  
23 you'll need to be familiar with the questions that were asked  
24 so that you can be prepared to answer them.

25 So this is State of Oklahoma vs. Dallas Christopher

1 Norton, CF-2019-1273.

2 THE COURT: Is the State present and ready to  
3 proceed?

4 MS. AUSTIN: Yes, your Honor. The State of Oklahoma  
5 is ready.

6 THE COURT: Thank you. Is the defendant present and  
7 ready to proceed?

8 MR. NEDWICK: Your Honor, Mr. Norton is present and  
9 we're ready to proceed.

10 THE COURT: Thank you. Thank you. At this time,  
11 Reba, we'll have you call the names so we can fill the jury box  
12 and the seats.

13 THE CLERK: Curry, Cynthia Curry, C-U-R-R-Y.

14 Heath, Deanna Heath, H-E-A-T-H. Hill, Tyrone Hill,  
15 H-I-L-L. Coffelt, Carolyn Coffelt, C-O-F-F-E-L-T. Langford,  
16 Krystal Langford, L-A-N-G-F-O-R-D. Corrales, June Corrales,  
17 C-O-R-R-A-L-E-S. Bazemore, Steven Bazemore, B-A-Z-E-M-O-R-E.  
18 McIntire, Amy McIntire, M-C-I-N-T-I-R-E. Dotson, Joseph  
19 Dotson, D-O-T-S-O-N. Ray, Tara Ray, R-A-Y. Kaelin, Michelle  
20 Kaelin, K-A-E-L-I-N. Fountain, Sasha Fountain,  
21 F-O-U-N-T-A-I-N. Marino, Juli Marino, M-A-R-I-N-O. Hubbard,  
22 Harrold Hubbard, H-U-B-B-A-R-D. I'm going to spell the last  
23 name. J-I-L-G-E, Christopher.

24 Can you pronounce that?

25 PROSPECTIVE JUROR JILGE: Jilge.

1                   THE CLERK: Jilge, okay.

2 Brown, Gregg Brown, B-R-O-W-N. Black, Jason Black. B-L-A-C-K.  
3 Wade, Larry Wade, W-A-D-E. Lyons-Ketchum, Amy Lyons-Ketchum,  
4 L-Y-O-N-S, hyphen, K-E-T-C-H-U-M. Axton, Shaun Axton,  
5 A-X-T-O-N. Carmichael, Brian Carmichael, C-A-R-M-I-C-H-A-E-L.  
6 Eubanks, Brandon Eubanks, E-U-B-A-N-K-S. Garrett, Chaz  
7 Garrett, G-A-R-R-E-T-T. Grogan, David Grogan, G-R-O-G-A-N.  
8 Counts, Vickie Counts C-O-U-N-T-S. Givel, Michael Givel,  
9 G-I-V-E-L. Cromack, Kevin Cromack, C-R-O-M-A-C-K. Littledeer,  
10 Kinsey Littledeer, L-I-T-T-L-E-D-E-E-R.

11                  THE COURT: Ladies and gentlemen, a couple things  
12 I'll mention. Parking around here is not that great. So if  
13 you parked in a spot where there's a meter, I'm not going to  
14 release you to go feed the meter. You'll probably be getting a  
15 ticket today.

16                  The City of Norman will forgive tickets for today and  
17 today only. After that you will want to find a spot where you  
18 can park and not worry about having to feed the meter.  
19 If you haven't noticed it yet, this courtroom tends to be on  
20 the cool side. So I apologize in advance, but that's just the  
21 way it is in here.

22                  Also, please -- if you haven't already done so, please  
23 make sure your phones are off so they don't interrupt us. When  
24 you get on break, you're welcome to call and check texts and  
25 all that kind of stuff. But we want to make sure that those

1 | don't disturb us.

Couple instructions I'm going to tell you that each of  
you is an officer of the court just as the judge, the attorneys  
that represent the clients. Your office as a juror is one of  
extreme public trust. The services that you perform as a juror  
are as important and as essential to the administration of  
justice as those performed by myself and by the attorneys.

As possible jurors, you're going to be questioned to determine your qualifications to serve in this case. The purpose of these questions is to obtain a fair jury. And since this is an important part of the trial, it's necessary that you be given an oath to answer truthfully all the questions asked of you about your qualifications to serve as jurors.

At this time, I'm going to ask all of you, those 28 who have been called, as well as the rest of you out there, if you will all please stand at this time, raise your right hand so I can give you an oath.

18 (The prospective jurors were sworn.)

19 THE COURT: Very well. Thank you. As I have  
20 explained, you'll now be questioned by myself and by the  
21 attorneys. These questions may seem a little personal or  
22 prying. They are not intended to embarrass anyone.  
23 If you're not comfortable giving a response in the presence of  
24 everyone, you may ask to see me along with the attorneys up  
25 here at what we call the bench area.

1           Now, everyone has predispositions and biases. No one's  
2 making a judgment call on whether those predispositions or  
3 biases are good or bad or valid. For instance, I'm not a cat  
4 person. So if this case involves cats, I might not be the best  
5 person to be on this trial. So we just want to make sure that  
6 you possess the background and the qualifications that are the  
7 right fit for this jury.

8           What I'd like to do is have our attorneys introduce  
9 themselves and who's sitting at their tables. We'll start with  
10 the State.

11           MS. AUSTIN: Good morning. My name is Jennifer  
12 Austin and this is Jacobi Whatley. We are assistant district  
13 attorneys here in Cleveland County, and we work for Greg  
14 Mashburn.

15           MR. NEDWICK: I'm Keith Nedwick. This is Charles  
16 Douglas. We office just across the street here in Norman. And  
17 we've been here -- I'm a little over 20 years. Charles --  
18 that's a much larger number. He's 40 years. So -- and this is  
19 our client, Dallas Norton.

20           THE COURT: Thank you, Mr. Nedwick.

21           The defendant, Dallas Norton, has been charged with two  
22 counts of lewd or indecent acts to a child under 16, committed  
23 against Brianna Jackson. To these charges he has pled not  
24 guilty, casting the burden on the State to prove beyond a  
25 reasonable doubt that he is guilty of the crime charged.

1           Both the state of Oklahoma and the defendant,  
2 Mr. Norton, are entitled to jurors who approach this case with  
3 open minds and agree to keep their minds open until a verdict  
4 is reached. Jurors should be as free as humanly possible from  
5 any bias, prejudice or sympathy. Jurors must not be influenced  
6 by preconceived ideas as to the facts or to the law.

7           From this point until the conclusion of the trial, I'm  
8 going to ask you not to discuss this case with any person,  
9 including family or friends. I'm going to ask you not to read  
10 or listen to any media discussing this case, nor research this  
11 case in any way including through the internet or other tools  
12 of technology. Nor should you use any of these means to  
13 communicate to others about this case. It is important that  
14 this case be decided solely upon the evidence that you receive  
15 in this courtroom.

16           You're all undoubtedly qualified to serve as jurors,  
17 but you may not be qualified to serve as a juror in this  
18 particular case. So the law permits unlimited challenges for  
19 cause. Also, the law grants both the State and the defendant  
20 five peremptory challenges.

21           A peremptory challenge permits either the State or the  
22 defendant to excuse a prospective juror for any reason allowed  
23 by law. If you're excused from being a juror in this  
24 particular case, it's not a reflection on you. You may well be  
25 better suited to serve as a juror in a different case.

1           So at this time, I'm going to have each of you briefly  
2 introduce yourselves. What I would like is that you tell us  
3 your name and how it's pronounced, if we didn't pronounce it  
4 correctly. I'd also like to know your spouse's name or your  
5 significant other, if you have one.

6           I would like to know what part of the county you come  
7 from. Don't want to hear your street address. I just want to  
8 know if you live in Moore or Oklahoma City or Slaughterville,  
9 wherever it might be. Please tell us about your education  
10 level.

11          We'd also like to know your occupation and if you have  
12 children or grandchildren. I would also like to know the  
13 education level and occupation of your spouse as well.  
14 So I want you to please speak clearly and -- slowly and  
15 clearly. We have a microphone that we'll ask you to use. I  
16 see some people have masks. If you would do so -- as you  
17 speak, if you could pull down the mask so that we can hear you  
18 better, I would appreciate that.

19          Also, just so we kind of get to know you a little  
20 better, why don't you tell us if you listen -- regularly listen  
21 to a podcast, what it is. Or if there's something that you  
22 stream that you're enjoying watching, I would like to know that  
23 too.

24          So I'll model how I think you can do it. I'm Thad  
25 Balkman. I'm married to Amy. We have five kids, two still at

1 home. We live in Norman. I have a law degree from O.U. I'm a  
2 judge. My wife has her associate's degree. She is a piano  
3 teacher and up until recently was a track coach at Longfellow  
4 Middle School.

5 I listen to the Ben Shapiro podcast almost daily. And  
6 my wife and I just finished the second season of Jack Ryan.

7 So Jami, if you would give the microphone to Ms. Curry,  
8 we'll start with her.

9 PROSPECTIVE JUROR CURRY: Okay. I'm Cynthia Curry.  
10 I live in Norman. I work for the J.D. McCarty Center. It's a  
11 hospital with children with a disability. I've been there 26  
12 years. Used to work directly with the patients, but now I have  
13 to handle all the insurance, which is not fun.

14 I have three daughters. I did lose one to leukemia  
15 when she was seven. I have four grandchildren. And I have a  
16 great grandbaby, so. And I put my life with my grandkids going  
17 to all the sports.

18 THE COURT: Excellent.

19 PROSPECTIVE JUROR CURRY: And I just had a  
20 granddaughter who is going to be a senior this next year who  
21 just got accepted to O.U. and she's going to get to do her  
22 freshman year her senior year. So we're really proud of that.

23 THE COURT: Excellent. Tell us what you listen to or  
24 watch.

25 PROSPECTIVE JUROR CURRY: When I'm traveling, me and

1 my daughters listen to the murder podcasts.

2 THE COURT: Which one? There's a lot of them.

3 PROSPECTIVE JUROR CURRY: Well, just any of them that  
4 are just -- they're real, the true ones.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR CURRY: Because you don't -- you  
7 kind of want to keep in on that stuff. Me and my husband --  
8 oh, my husband's Gary Curry. He just retired from the State of  
9 Oklahoma. He was the supervisor at J.D. McCarty for the  
10 maintenance department. He got to retire. I'm not.

11 So -- but we always like those true crime movies. So  
12 that's what we always sit and watch.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR CURRY: Uh-huh.

15 PROSPECTIVE JUROR HEATH: My name is Deanna Heath.  
16 My family and I live in Norman. Education, I have two  
17 bachelor's degrees. One in religion and ethics and one in  
18 elementary education. I am a schoolteacher in Noble. I teach  
19 third grade.

20 My husband is a detective in Norman with the Norman  
21 Police Department. I'm not listening to a podcast, but  
22 currently my kids and I are going through the Star Wars in  
23 chronological order on Disney Plus.

24 THE COURT: Excellent. Thank you.

25 PROSPECTIVE JUROR HILL: My name is Tyrone Hill. I'm

1 an electrician. My fiance's name is Raven. I have two kids.  
2 We live in Moore. Both of us are high school graduates.  
3 I listen to really any -- any type of music floats my boat,  
4 doesn't really matter what. That's about it.

5 THE COURT: Did you tell us the occupation of your --

6 PROSPECTIVE JUROR HILL: Oh, stay-at-home mom.

7 THE COURT: Stay-at-home mom, okay.

8 PROSPECTIVE JUROR HILL: Does her business there.

9 THE COURT: Thank you, Mr. Hill.

10 PROSPECTIVE JUROR COFFELT: My name is Carolyn  
11 Coffelt. No spouse. I have three daughters, and two currently  
12 still live at home. And I work for the Federal Aviation  
13 Administration doing air traffic control and quota managements.  
14 Started there right out of high school. So no college. And  
15 I'm currently watching Dexter as my guilty pleasure.

16 THE COURT: Thank you, Ms. Coffelt.

17 PROSPECTIVE JUROR LANGFORD: My name is Krystal  
18 Langford. I go by my middle name, which is Tyann. I work for  
19 a local bank. I've been there for 16 years. I'm a data  
20 analyst. My partner and I just moved from Moore to Norman in  
21 the last four months. His name is Brook and he works for a  
22 local bank as well as a sales manager.

23 Together we have three kids. It's a zoo. And we just  
24 started binging Stranger Things.

25 THE COURT: Which season?

1 PROSPECTIVE JUROR LANGFORD: Four.

2 THE COURT: Oh, the last one.

3 PROSPECTIVE JUROR LANGFORD: Yeah. We're on season  
4 four.

5 THE COURT: Thank you, Ms. Langford.

6 PROSPECTIVE JUROR CORRALES: My name is June  
7 Corrales. I was born and raised in Oklahoma City. Graduated  
8 high school there. My fiance, David, graduated Midwest City.  
9 We moved to Moore just about 10 years ago. We have a family of  
10 four. We have two currently still at the house. We stream so  
11 many things. So the computers are on. We have Play Stations  
12 and -- they're gamers. And we listen to a lot of music. We  
13 probably stream more music than we do shows and music from all  
14 kinds.

15 So we just kind of have -- we have a lot of fun, I  
16 think, at the house, so.

17 THE COURT: Thank you. You want to pass that  
18 microphone down to Ms. Fountain. Thank you.

19 PROSPECTIVE JUROR FOUNTAIN: Hi, I'm Sasha Fountain.  
20 Born in OKC, raise in Norman. I'm a high school graduate. No  
21 occupation due to health reasons. And I have a fiance named  
22 Ethan. He's an Amazon associate currently. And I'm currently  
23 watching Stranger Things right now, but I'm on season three of  
24 it.

25 THE COURT: Thanks, Ms. Fountain.

1 PROSPECTIVE JUROR KAELIN: My name is Michelle  
2 Kaelin. My education level is technical trade. I work as a  
3 surgery coordinator for an orthopedic surgeon. My husband is  
4 Chris Kaelin. He is an electrician. We have five children,  
5 three at home, and two grandchildren. And I watch a lot of  
6 reality TV.

7 THE COURT: What do you watch?

8 PROSPECTIVE JUROR KAELIN: Housewives, you know, all  
9 types of things.

10 THE COURT: Okay. Thank you, Ms. Kaelin.

11 PROSPECTIVE JUROR RAY: My name is Tara Ray. I'm an  
12 employee at O.U. as an information support specialist in the  
13 public works section. Basically, we have contracts with DHS to  
14 do applications for SNAP benefits, et cetera.

15 I have a significant other named Mike Hanes. He is a  
16 retired military veteran. I have two children. I have a  
17 kindergartner and a college student at home. Yes, big gap.  
18 It's a nightmare.

19 We are -- we just finished Game of Thrones and just  
20 started the Witcher. We're still in the middle of the first  
21 season so please don't ruin it for me. We listen to a lot of  
22 Disney music. And typical 80s child, lot of 90s and 20s -- I  
23 mean 2020, you know, anything in between.

24 THE COURT: All right.

25 PROSPECTIVE JUROR RAY: Anything I missed?

1 THE COURT: I think you covered it.

2 PROSPECTIVE JUROR RAY: Okay.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR DOTSON: Morning, sir. My name is  
5 Joseph Dotson. I am an electronics engineer with a bachelor of  
6 science in engineering and a master's degree in IT management.  
7 My wife, Tammy, has a bachelor's degree in medical technology.  
8 Been living in Moore for 21 years. Our taste in videos and  
9 stuff is rather eclectic as well as our music. We make it  
10 work. And we have no children.

11 THE COURT: Mr. Dotson, where are you currently  
12 employed?

13 PROSPECTIVE JUROR DOTSON: I work at Tinker, sir.

14 THE COURT: Okay. And your wife?

15 PROSPECTIVE JUROR DOTSON: She keeps me happy at the  
16 house.

17 THE COURT: Very well. Thank you.

18 PROSPECTIVE JUROR MCINTIRE: My name is Amy McIntire.  
19 My husband is Bobby McIntire. I'm a registered nurse at the VA  
20 in Oklahoma City with a subspecialty in urology. My husband is  
21 in sales with Hewlett Packard Enterprises.

22 I live in the furthest northwest point of Cleveland  
23 County you can go. West of the airport. I love gardening and  
24 I have 34 chickens. And we don't watch TV much. My kids  
25 probably do more than I do. I have four kids, twins that are

1       12, a high schooler and a college student at O.S.U. So we're  
2       kind of busy. They race dirt bikes. So we are on the go a  
3       lot.

4             THE COURT: How many broken bones so far?

5             PROSPECTIVE JUROR MCINTIRE: None so far.

6             THE COURT: So far, good.

7             PROSPECTIVE JUROR MCINTIRE: Yeah, so far none.  
8       We've done it for years.

9             THE COURT: Thank you, Ms. McIntire.

10          PROSPECTIVE JUROR MCINTIRE: Thank you.

11          PROSPECTIVE JUROR BAZEMORE: I'm Steve Bazemore. I  
12       live in Norman. I'm a meat and seafood manager at Sprouts.  
13       High school education. My wife, Alica, is a cashier.

14          THE COURT: Kids?

15          PROSPECTIVE JUROR BAZEMORE: Kids. I have three  
16       adult kids and a 14-year-old daughter at home. I listen to Ben  
17       Shapiro also. And I like the Red Eye Radio guys overnight.

18          THE COURT: Mr. Bazemore, you are the manager of the  
19       meat department at Sprouts. Did you get an education in that?

20          PROSPECTIVE JUROR BAZEMORE: I've been doing it since  
21       I was 16, so -- I'm almost 60, so.

22          THE COURT: Okay. All right.

23          PROSPECTIVE JUROR BAZEMORE: I've learned through  
24       doing it.

25          THE COURT: And your wife, does she also work at

1 Sprouts? You said she's a cashier.

2 PROSPECTIVE JUROR BAZEMORE: No. She works at  
3 Lowe's.

4 THE COURT: Lowe's, okay. Thank you, Mr. Bazemore.

5 PROSPECTIVE JUROR MARINO: I'm Juli Marino. We live  
6 in Moore. My husband's name is Joe. I work for a nonprofit  
7 charity, Feed the Children. I've been there for 28 years. I  
8 also have another job in the retail business on the weekends.  
9 I have a daughter in high school. And both my mother and my  
10 mother-in-law currently are in nursing homes.

11 And we -- I don't listen to any podcasts, but we  
12 like -- we've started the Dark Winds series and can't wait for  
13 Resident Alien to start up and Young Sheldon and all the other  
14 ones.

15 THE COURT: Two things. Could you tell me about your  
16 education background?

17 PROSPECTIVE JUROR MARINO: Both me and my husband, we  
18 have GEDs.

19 THE COURT: And your husband's employment?

20 PROSPECTIVE JUROR MARINO: He's disabled.

21 THE COURT: Thank you, Ms. Marino.

22 PROSPECTIVE JUROR HUBBARD: Good morning, sir. My  
23 name's Harrold Hubbard. I live in Moore. I'm a widower. I  
24 have two children. Two adult children, a boy and a girl. And  
25 they've given me four grandchildren.

1 I have a high school education and some college, but I didn't  
2 get a degree.

3 And I can't believe how time has flown by, because I've  
4 spent 22 years at Tinker as a civilian and 25 years in the Navy  
5 that I retired from here. And I can't figure that out because  
6 I'm in Oklahoma, a landlocked state.

7 And just watch regular TV and sports, so.

8 THE COURT: What are your sports teams you cheer for?

9 PROSPECTIVE JUROR HUBBARD: I never really paid  
10 attention to college until I moved here because it's religious.  
11 So I follow O.U. and the players. Then I watch the NFL to see  
12 where they went. And hopefully they do good. I used to  
13 watch -- follow the Braves, but I haven't followed them in  
14 baseball for years. But mainly football.

15 THE COURT: Thank you, Mr. Hubbard.

16 PROSPECTIVE JUROR JILGE: Chris Jilge here. Split  
17 time between Norman and Choctaw growing up. My spouse is  
18 Shannon Jilge. She's a stay-at-home mother with a photo  
19 journalism degree. I have a high school diploma and a two-year  
20 vocational degree in automotive technology.

21 Went on into sales for the last 23 years on the  
22 government side. In fact, Gary was my customer for a number of  
23 years at the J.D. McCarty Center. I specialized in government  
24 sales for the last about 16, 17 years. And recently a year ago  
25 moved over as a manufacture's representative, district sales

1 manager for a company called Vega. I travel multiple states.

2 I have -- we have three children all at home. One  
3 daughter, two boys. They're a mess. We don't listen to any  
4 podcasts. Do stream a lot of YouTube music and currently  
5 watching Ozark.

6 THE COURT: I won't ruin the ending. I saw that one.

7 PROSPECTIVE JUROR JILGE: Good.

8 PROSPECTIVE JUROR BROWN: My name is Gregg Brown.  
9 I've got a bachelor of science in mechanical engineering from  
10 the University of Oklahoma. My wife's Tina. She's currently  
11 going to school to get a haircutting license or whatever at the  
12 Central Oklahoma Beauty College on the north side.

13 Live in southwest Oklahoma City. I have two kids. My  
14 current job is I'm a business analyst for a software consulting  
15 company. I previously worked for Boeing, Tinker, and FAA as  
16 aerospace engineers and general engineer at the FAA.

17 I'm currently watching a show on YouTube called Scammer  
18 Payback where a computer guy calls all these people trying to  
19 scam money from people and he gets in there and wastes their  
20 time and deletes their files. So it's a pretty good show.

21 THE COURT: Thank you, Mr. Brown.

22 PROSPECTIVE JUROR BLACK: My name is Jason Black.  
23 I'm married to Mindy Black we. Live far west Oklahoma City by  
24 the airport. We have a son who is 26. I did not finish  
25 college. I finished two years. My wife has a degree from

1 Southwestern Oklahoma State and is currently a geologist tech.  
2 I work for Seth Wadley as a wholesales parts manager. I  
3 actually work here in Norman. My office is in Norman.

4 Spend a lot of time outside fishing, gardening, hanging  
5 out with the dogs. That's kind of our thing. Home improvement  
6 shows and Food Network about all the TV we watch.

7 THE COURT: Mr. Black, are those Seth Wadley hats  
8 still pretty popular?

9 PROSPECTIVE JUROR BLACK: It is absolutely  
10 incredible. It's -- yes. That was quite the ordeal.

11 THE COURT: It's amazing what Tiger King can do for  
12 sales, right?

13 PROSPECTIVE JUROR BLACK: Sent them all over the  
14 world, those hats, everywhere.

15 THE COURT: All right. Thank you.

16 PROSPECTIVE JUROR WADE: Larry Wade. Lived in Norman  
17 my entire life. Married to Ashley Wade. She is an RN in ICU.  
18 High school diploma. Meat market manager and butcher. Most  
19 recent thing that I've watched, just finished Ozark recently.

20 THE COURT: What did you think about the ending?  
21 Don't spoil it?

22 PROSPECTIVE JUROR WADE: We'll leave it at that.  
23 Less than impressed with where it could have gone.

24 THE COURT: Yes.

25 PROSPECTIVE JUROR GROGAN: Hello. My name is David

1 Grogan. My wife's, Michelle. We have a teenage daughter at  
2 home. We live here in Norman. I have a bachelor's in business  
3 administration, master in business administration degrees. My  
4 wife, Michelle, has a master of library science. She works as  
5 a librarian in an area high school.

6 I am managing director of finance and accounting for an  
7 outsource accounting firm in Oklahoma City called Info Sync  
8 Services. We service mainly restaurant franchises and I do a  
9 lot less accounting these days than I used to. More strategic  
10 planning for clients.

11 Listen to a podcast called Everything Everywhere Daily,  
12 and a podcast that's hosted by congressman Dan Crenshaw. And  
13 we just finished catching up on Stranger Things.

14 THE COURT: All right. Thank you, Mr. Grogan.

15 PROSPECTIVE JUROR GARRETT: Good morning. My name is  
16 Chaz Garrett. I lived in -- born in OKC. Live in Moore. IT  
17 systems administrator for Oklahoma Gas and Electric. Don't  
18 have a degree. I just finished Ozark and was not a fan of the  
19 ending at all. No spouse, no kids.

20 THE COURT: All right. Thank you, Mr. Garrett.

21 PROSPECTIVE JUROR EUBANKS: My name's Brandon  
22 Eubanks. Graduated high school. Went to trade school for  
23 paint and body work. Currently work oil field, plug and  
24 abandon wells. Spouse is Mandy. Stay-at-home mom. We have  
25 two kids.

1           When they're on, A Million Little Things and This is Us  
2 are our two favorite shows. Otherwise, I'm watching YouTube or  
3 Street Outlaws.

4           THE COURT: Thank you, Mr. Eubanks.

5           PROSPECTIVE JUROR CARMICHAEL: My name is Brian  
6 Carmichael. I'm a graduate of Kansas State University as an  
7 architectural engineer. I'm a structural engineer by trade for  
8 43 years for Star Building Systems. My wife, Marlene, is a  
9 retired dental hygienist. We live in east Norman.  
10 And my shows are HGTV and anything with the car shows.

11          PROSPECTIVE JUROR AXTON: Shaun Axton. I live here  
12 in Norman. I grew up as a child with my dad being a DA. So I  
13 spent a whole lot of time in the courtroom as a child  
14 unfortunately.

15          I have degrees in cartography, which is mapmaking and  
16 art. And postgraduate work in surveying geographic information  
17 systems and writing. I own a land surveying company that I've  
18 had for 25 years or something like that, and help manage  
19 another surveying company.

20          My wife, April, she does a lot of stuff, but she helps  
21 run a Center of Excellence for an aviation throughout the  
22 country. She helps teach the aviation at O.U., and does some  
23 cooperative work with Mike Monroney Center of FAA.  
24 And she was chosen to be one of the -- actually the first  
25 female in the country to be asked to be a certain kind of

1           airport administrator.

2           It never happened before, which she turned it down.

3           But it was very awesome for her to be the first female do that.

4           She's working on a PhD right now. So I did definitely marry up  
5           in that category.

6           I have four kids -- five kids and stepchildren. I have  
7           a daughter who's finished junior year concurrent at OCCC and is  
8           going to finish senior concurrent at O.U. So she'll graduate  
9           high school a sophomore in college, which I'm really proud of.

10          I have another daughter that teaches in anatomy at O.U.  
11          and is working on post graduate. I just recently finished  
12          Ozark. And we've been trying to finish Breaking Bad for about  
13          an eternity. So I guess I like watching about drug dealers.  
14          And my son and I are trying to finish up Demon Slayer, which is  
15          an anime.

16          THE COURT: Thumbs up or thumbs down for Ozark?

17          PROSPECTIVE JUROR AXTON: I think it was necessary.

18          THE COURT: Okay. All right. Thanks, Mr. Axton.

19          PROSPECTIVE JUROR LYONS-KETCHUM: Hello, my name is  
20          Amy Lyons-Ketchum. I have a master's degree in anthropology.  
21          I work at the University of Oklahoma in the office of  
22          Diversity, Equity, and Inclusion.

23          My husband, Scott Ketchum, has a PhD in anthropology  
24          and he is director of the Native American Studies Department at  
25          East Central University in Ada. We live in Norman. We have

1 two sons still at home. One grown and on his own. So we have  
2 an about to be sophomore at O.U. and a junior at High.

3 THE COURT: Excellent. Thank you.

4 PROSPECTIVE JUROR COUNTS: My name Vickie Counts. My  
5 husband, John, and I moved to southwest Oklahoma City 26 years  
6 ago from Mississippi. We both graduated from a small school in  
7 Mississippi and both got our bachelor's. Me in marketing, him  
8 in banking and finance. Yes, that's right. I had to think  
9 about it.

10 We have two adult children. One is married, the other  
11 one is at home, needs to go. But he's at home and I do love  
12 him. But we -- my husband works for Cisco Foods. I had a  
13 money paying job, but I quit so I could take care of my  
14 precious granddaughter. She is three. We have another one on  
15 the way any day.

16 My dad passed away two years ago. He and my mom were  
17 married 50 years, and my mom's really struggling. She -- I  
18 moved her here from Mississippi. So I full time take care of  
19 my mom, and my granddaughter, trying to get my other son out of  
20 the house.

21 And so if I'm not watching Disney or Nickelodeon, I'm  
22 watching Bachelorette, don't judge me, lots of reality.  
23 Yellowstone. But right now I'm really into the college world  
24 series. I'm pretty infatuated with that.

25 THE COURT: What's not to like when O.U. beats Texas

1 and Texas A&M, right?

2 PROSPECTIVE JUROR COUNTS: There's a lot. But also  
3 Ole Miss is in there. So we have a lot of Mississippi people,  
4 but we will be Boomer Sooner.

5 THE COURT: Gotcha. Okay.

6 PROSPECTIVE JUROR GIVEL: Hello, my name is Mike  
7 Givel, Michael Givel. And I arrived in -- I live in Norman. I  
8 arrived here in 2002. I hold a PhD from the University of  
9 California. I'm an O.U. professor of political science. And I  
10 specialize in comparative politics and international area  
11 studies.

12 I'm divorced. My ex-wife -- that was in 2013. My  
13 ex-wife lives here in town. We have one adult child. He's an  
14 O.U. student in aerospace engineering. He's a junior. And his  
15 emphasis is deep space engineering. And frankly, some of the  
16 math classes he's taking, I don't understand.

17 THE COURT: I can imagine that. Professor Givel, do  
18 you have any podcasts or shows you like to watch or listen to  
19 in your spare time?

20 PROSPECTIVE JUROR GIVEL: She's an instructor at  
21 O.U., in botany she holds a PhD as well.

22 THE COURT: Okay. All right.

23 PROSPECTIVE JUROR CROMACK: My name is Kevin Cromack.  
24 Married to Sheila Cromack. We live in Moore. I'm retired Air  
25 Force. My wife worked at 7-Eleven for 27 years. Now she works

1 at Hobby Lobby.

2 ESPN, any sports. We are -- both foster for bulldogs.  
3 Tornado Alley Rescue bulldogs. We're on dog 16 and 17 right  
4 now. Five kids, all adults. Thirties and 40s. Don't live in  
5 the state. I don't know what a podcast is.

6 THE COURT: Do you watch anything just on either  
7 network TV or stream?

8 PROSPECTIVE JUROR CROMACK: Whatever is on. I don't  
9 know how to stream. I don't have a computer. I don't know how  
10 to work my phone.

11 THE COURT: I think you said you watch ESPN.

12 PROSPECTIVE JUROR CROMACK: Yes, sir.

13 THE COURT: That's pretty good. Okay. Thank you.

14 PROSPECTIVE JUROR LITTLEDEER: I'm Kinsey Littledeer.  
15 I'm from Norman. Not married. I don't have any kids. I went  
16 to the University of Oklahoma and I got my bachelor's degree in  
17 psychology and I minored in Native American studies. And then  
18 I also continued at the University of Oklahoma and got a  
19 master's degree in clinical professional counseling. And I'm  
20 currently a counselor at Moore Youth and Family Services.

21 I don't remember the last podcast I listened to, but  
22 the last audio book I finished was called Funny Weather by  
23 Olivia Laing. It's an art book so it's a bunch of essays. And  
24 then TV, I haven't really had much time to like sit down and  
25 watch like good TV. So I have just been watching Real

1 Housewives of Beverly Hills and Baking Impossible, so, yeah.

2 THE COURT: Thank you, Ms. Littledeer.

3 All right. I'm going to ask -- I will now ask you questions to  
4 determine your qualifications to serve as jurors in this case.  
5 And to determine those qualifications, I'm going to need to  
6 obtain information from you, including some personal  
7 information.

8 Again, we're trying to find -- the purpose is to try  
9 and find a jury that's fair and impartial, not to embarrass  
10 anybody. So again, as I ask questions, if there's something  
11 you just would rather not say in front of everybody, let me  
12 know and we can do that and respect your privacy.

13 First question is, do all of you currently reside in  
14 Cleveland County? Please raise your hand if you did not wake  
15 up this morning in Cleveland County or if you've moved since  
16 you got your summons.

17 (Prospective juror raises hand.)

18 THE COURT: Ms. Fountain, are you no longer a  
19 resident of Cleveland County?

20 PROSPECTIVE JUROR FOUNTAIN: I'm not in Cleveland  
21 County anymore. I'm in Oklahoma County.

22 THE COURT: Okay. Could you be specific with --

23 PROSPECTIVE JUROR FOUNTAIN: Like south OKC/Moore  
24 area.

25 THE COURT: Okay. So a lot of times people don't

1 realize but actually Cleveland County extends all the way up to  
2 89th Street. So it actually includes quite a bit of Oklahoma  
3 City. Knowing that, do you live south of 89th?

4 PROSPECTIVE JUROR FOUNTAIN: South of Sooner I think  
5 Sooner and 44th (indistinguishable.)

6 THE COURT REPORTER: I didn't get that last part.

7 THE COURT: She said it's a trailer park back there.  
8 Did you previously live in Cleveland County when you got your  
9 summons? Use the microphone if you don't mind.

10 PROSPECTIVE JUROR FOUNTAIN: I recently moved back in  
11 February out of my dad's house. So my summons went to his  
12 house at the time.

13 THE COURT: Okay. Well, that's why I ask the  
14 question. We cannot have jurors that are not Cleveland County  
15 residents. Every now and then that happens.

16 So I'm going to excuse Ms. Fountain from service. So thank you  
17 for letting us know that.

18 All right. Reba, will you call a name to take  
19 Ms. Fountain's place?

20 THE CLERK: Rutledge, Kristi Rutledge,  
21 R-U-T-L-E-D-G-E.

22 THE COURT: All right. Ms. Rutledge, we're going to  
23 put you on the spot. You get to have the mic right now and  
24 tell us about yourself.

25 PROSPECTIVE JUROR RUTLEDGE: I'm Kristi Rutledge.

1 I'm married to Terry Rutledge. We have live in southwest  
2 Oklahoma City. We have three children. He owns a commercial  
3 fence company and I work for him. That's about it.

4 THE COURT: What do you all watch?

5 PROSPECTIVE JUROR RUTLEDGE: We just finished Lincoln  
6 Lawyer.

7 THE COURT: That's a throw back.

8 PROSPECTIVE JUROR RUTLEDGE: Yeah. It was good.

9 THE COURT: Okay. Thank you, Ms. Rutledge.  
10 All right. The attorney for the State are Jennifer Austin and  
11 Jacobi Whatley. Do any of you know the attorneys for the  
12 State?

13 (No response from the prospective jurors.)

14 THE COURT: All right. Has the district attorney's  
15 office handled any matters for any of you or any family members  
16 been involved with the Cleveland County District Attorney's  
17 Office lately?

18 (No response from the prospective jurors.)

19 THE COURT: All right. The attorneys for the  
20 defendant are Keith Nedwick and Charles Douglas. Do any of you  
21 know Mr. Nedwick or Mr. Douglas?

22 (Prospective juror raises hand.)

23 THE COURT: All right. I'm sorry, I overlooked you.  
24 Go ahead, Mr. Eubanks.

25 PROSPECTIVE JUROR EUBANKS: Mr. Nedwick's office

1 handled my custody case about five years ago.

2 THE COURT: Okay. And was that case concluded or is  
3 it still ongoing?

4 PROSPECTIVE JUROR EUBANKS: It was concluded.

5 THE COURT: Okay. Do you believe that the fact that  
6 he represented you in that matter is going to make it harder  
7 for you to be fair to the State?

8 PROSPECTIVE JUROR EUBANKS: No.

9 THE COURT: No, okay. We're you satisfied with the  
10 job he did for you?

11 PROSPECTIVE JUROR EUBANKS: It wasn't him. It was an  
12 attorney out of his office. And it didn't go in my favor.  
13 I'll say that.

14 THE COURT: Okay. So maybe I should ask the opposite  
15 question. Given that experience, do you think you can be fair  
16 to Mr. Nedwick and to his client, Mr. Norton?

17 PROSPECTIVE JUROR EUBANKS: I don't know.

18 THE COURT: You don't know?

19 PROSPECTIVE JUROR EUBANKS: No.

20 THE COURT: Why is that?

21 PROSPECTIVE JUROR EUBANKS: I believe -- I don't know  
22 his client personally, but we have had some exchanges on  
23 Facebook.

24 THE COURT: You and Mr. Nedwick or his office?

25 PROSPECTIVE JUROR EUBANKS: No, Mr. Norton.

1                   THE COURT: Okay. That was going to be my next  
2 question. You know Mr. Norton?

3                   PROSPECTIVE JUROR EUBANKS: I don't know him  
4 personally. We've spoke through Facebook.

5                   THE COURT: Let's just stop there. Stop there.  
6 Okay. But you have spoken to him?

7                   PROSPECTIVE JUROR EUBANKS: Yes.

8                   THE COURT: And has it been about this case?

9                   PROSPECTIVE JUROR EUBANKS: No.

10                  THE COURT: Okay. How long ago was this?

11                  PROSPECTIVE JUROR EUBANKS: A year or so ago, I  
12 believe. I would have to go back through and double check  
13 that.

14                  THE COURT: Okay. We'll probably come back to that a  
15 little bit later, but thank you for letting me know that.

16 All right. Was there any other hands that were raised when I  
17 asked if you knew the attorneys or do any of you know  
18 Mr. Norton or his family?

19                  (No response from the prospective jurors.)

20                  THE COURT: Okay. I mentioned Brianna Jackson. Do  
21 any of you know Brianna Jackson or a member of her family?

22                  (No response from the prospective jurors.)

23                  THE COURT: I'm going to read a list of names that  
24 are witnesses who may be called to testify in this case. After  
25 I've read their names, if any of those names sound familiar to

1 you, like you might know them, would you please raise your  
2 hand.

3 Brianna Jackson, Tiffany Norton, Jeffrey Jackson, Sean  
4 Judy, Troy Pierce, Casey Caspers, Kayla McMahon, David Young,  
5 Christi Williams Cornett, Bailey Renee Ferguson, Dallas Norton,  
6 Christian Norton, Shyanne Pike, Tayra Cates, and Heather  
7 Slater.

8 THE COURT: Okay. Ms. Heath.

9 PROSPECTIVE JUROR HEATH: I don't personally know  
10 Sean Judy, but I believe my husband, Michael Heath, may work  
11 with him.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR HEATH: I recognize the name.

14 THE COURT: Yeah. I believe Mr. Judy is employed  
15 with the Norman Police Department.

16 Anybody else have any -- heard those names? Do they  
17 sound familiar?

18 (No response from the prospective jurors.)

19 THE COURT: And this goes with this question and all  
20 these other ones. You know, if five minutes from now or 30  
21 minutes from now you're like, oh, wait a minute, I think I do  
22 have something to add, just let me know. It's all right.  
23 Sometimes it takes a while for our memories to get jogged.

24 Have any of your heard anything about this case?

25 MR. NEDWICK: Your Honor, may we approach for just a

1 minute?

2 THE COURT: Yes. Come on up.

3 (Discussion was had at the bench.)

4 MR. NEDWICK: Did you hear all the names? I didn't  
5 hear all the names.

6 MS. AUSTIN: I --

7 MR. NEDWICK: I didn't hear them.

8 THE COURT: I read from something that the State gave  
9 me. So if there's names that --

10 MR. NEDWICK: Yeah, there are some others.

11 THE COURT: Can I borrow that?

12 MR. NEDWICK: You can.

13 MS. AUSTIN: Just highlight the ones that --

14 MR. NEDWICK: Do you want me to highlight the ones  
15 that are on here?

16 THE COURT: Yeah. Just -- I'll just write them down  
17 and give that back to you.

18 Okay. I think we should probably take a break and  
19 leave a little extra time so maybe we can probe with  
20 Mr. Eubanks about that.

21 MS. AUSTIN: Sure.

22 MR. NEDWICK: Okay.

23 THE COURT: We won't do it right yet.

24 MS. AUSTIN: Okay.

25 (In open court.)

1 THE COURT: All right. I'll repeat the question I  
2 was asking. Have any of you heard anything about this case at  
3 all?

4 (Prospective juror raises hand.)

5 THE COURT: Mr. Axton, you have heard something about  
6 this case?

7 PROSPECTIVE JUROR AXTON: I'm fairly sure I read  
8 about this in -- read some stuff about this in the news a while  
9 back, the name.

10 THE COURT: And without repeating what you read,  
11 just --

PROSPECTIVE JUROR AXTON: I don't recall. I just  
remember reading about it. Because of the type case. The  
name, the -- Brianna sounds familiar to me, but I don't recall  
details.

16 THE COURT: Okay. I will tell you that typically,  
17 victims who are minors, their names do not typically appear in  
18 the paper. I read it because this is the case and you're going  
19 to hear a lot of facts that you wouldn't normally hear  
20 publically. So it might have been a different Brianna, but it  
21 could have been this one. Okay. Thank you.

Also, one of the other witnesses I failed to read her name is Amber White. Does that name sound familiar to anybody?

24 (No response from the prospective jurors.)

THE COURT: No? Okay.

1           All right. Have any of you had any experience that you  
2 feel might affect your consideration of this case?  
3 I've told you what Mr. Norton has been charged with. Any of  
4 you had any experience?

5                             (Prospective juror raises hand.)

6           THE COURT: Yes, Ms. Corrales. Let's wait for the  
7 microphone to reach you, please.

8           PROSPECTIVE JUROR CORRALES: My 23-year-old daughter,  
9 when she was seven, was molested. So I take -- I've taken it  
10 to court myself with the State of Oklahoma.

11          THE COURT: All right. Was that case prosecuted?

12          PROSPECTIVE JUROR CORRALES: Yes.

13          THE COURT: Here in Cleveland County?

14          PROSPECTIVE JUROR CORRALES: Oklahoma County.

15          THE COURT: Oklahoma County. What was the name of  
16 the defendant?

17          PROSPECTIVE JUROR CORRALES: I don't recall.

18          THE COURT: You said she's 23 now?

19          PROSPECTIVE JUROR CORRALES: Yes.

20          THE COURT: So several years back.

21          PROSPECTIVE JUROR CORRALES: Yes, sir.

22          THE COURT: Were there court proceedings?

23          PROSPECTIVE JUROR CORRALES: Just day one.

24          THE COURT: What does that mean?

25          PROSPECTIVE JUROR CORRALES: Just day one.

1 THE COURT: Day one. Okay.

2 PROSPECTIVE JUROR CORRALES: Yeah. He admitted  
3 guilty, day one.

4 THE COURT: Okay. Ms. Corrales, knowing that you  
5 have a daughter who experienced a sexual act against her, how  
6 does that affect your ability to sit as a juror in this case  
7 and give Mr. Norton the presumption of innocence?

8 PROSPECTIVE JUROR CORRALES: I may be pre-judgmental.

9 THE COURT: You may be.

10 PROSPECTIVE JUROR CORRALES: (Indicating in the  
11 affirmative.)

12 THE COURT: Do you think you'll be able to set aside  
13 your personal experiences and be fair and impartial  
14 to Mr. Norton?

15 PROSPECTIVE JUROR CORRALES: That may be difficult.

16 THE COURT: It may be difficult, okay. Thank you.

17 Is there anybody else who feels like they have a  
18 personal experience that would affect their consideration in  
19 this case?

20 (Prospective jurors raise hands.)

21 THE COURT: Mr. Bazemore.

22 PROSPECTIVE JUROR BAZEMORE: I feel a little  
23 uncomfortable. Can we do it in private?

24 THE COURT: We can.

25 Mr. Axton, were you going to raise your hand too?

1                   PROSPECTIVE JUROR AXTON: (Indicating in the  
2 affirmative.)

3                   THE COURT: Is that something you would like to share  
4 openly or --

5                   PROSPECTIVE JUROR AXTON: That's fine.

6                   THE COURT: Okay. Let's pass the microphone down to  
7 Mr. Axton.

8                   PROSPECTIVE JUROR AXTON: Really, basically, mine is  
9 I have a couple of good friends who have had young daughters  
10 who were molested. And just having a several daughters myself,  
11 it kind of -- I'm kind of sensitive to it, so. I can't say one  
12 way or another if -- I mean, obviously I try to be fair, but it  
13 really irritates me.

14                  THE COURT: Okay. Let me ask you, Mr. Axton, the  
15 mere fact that someone's charged with something, does that mean  
16 they're guilty of it?

17                  PROSPECTIVE JUROR AXTON: No, sir.

18                  THE COURT: Do you believe there's people that are  
19 sometimes charged --

20                  PROSPECTIVE JUROR AXTON: Yes.

21                  THE COURT: -- that are actually innocent?

22                  PROSPECTIVE JUROR AXTON: Definitely.

23                  THE COURT: Would you be willing to give Mr. Norton  
24 that benefit of the doubt and listen to all the evidence before  
25 you make a decision on whether or not he's guilty?

1 PROSPECTIVE JUROR AXTON: Yes, sir.

2 THE COURT: Okay. All right. Thank you. We'll get  
3 back to Mr. Bazemore in a minute.

4 Are you -- I think I know the question if you are, but  
5 do any of you have friends or relatives who are employed or  
6 involved with a law enforcement agency. We know about  
7 Ms. Heath, of course.

8 Anybody else here have connections to law enforcement  
9 through family or friends that are employed?

10 PROSPECTIVE JUROR CORRALES: I do.

11 THE COURT: You do, Ms. Corrales? Who's that?

12 PROSPECTIVE JUROR CORRALES: I have a good friend  
13 that was Officer (inaudible) passed away, an Oklahoma City  
14 Police Officer. And then I have a younger cousin from --  
15 Oklahoma City police officer, Shala Richardson.

16 THE COURT: Okay. Thank you. Could you pass the  
17 microphone to Ms. Ray?

18 PROSPECTIVE JUROR RAY: I grew up working with my  
19 mother in the courthouse. So I have many, many friends in the  
20 police force as well as several who work here in Cleveland  
21 County. Because I worked in the county jail for six months  
22 about five, six years ago as a med aid.

23 So I'm familiar with a lot of the officers here in the  
24 area. But I have not spoken with them about any cases or  
25 anything.

1 THE COURT: Okay. Should there be police officers  
2 who testify, can you weigh their testimony just as you would  
3 that of anybody else and not give them extra --

PROSPECTIVE JUROR RAY: Oh, yeah, not a problem.

5 THE COURT: Okay. You're not going to automatically  
6 believe them just because they're a police officer?

PROSPECTIVE JUROR RAY: I'll weigh things as they're  
said.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR RAY: Take it how it's supposed to  
11 be.

12 THE COURT: Thank you.

13 All right. Have any of you ever be called to jury duty  
14 before today?

15 (Prospective jurors raise hands.)

16 THE COURT: Okay. Of those who have raised their  
17 hands, how many of you actually were selected as a juror or an  
18 alternate juror?

19 (Prospective jurors raise hands.)

THE COURT: Couple of hands.

21 Ms. CURRY. was that a civil or a criminal case?

PROSPECTIVE JUROR CURRY: Criminal.

THE COURT: Did you reach a verdict?

24 PROSPECTIVE JUROR CURRY: Yes

THE COURT: And were you the foreperson?

1 PROSPECTIVE JUROR CURRY: No.

2 THE COURT: Okay. Thank you.

3 Ms. McIntire, same question. Was it civil or criminal?

4 PROSPECTIVE JUROR MCINTIRE: Civil.

5 THE COURT: Civil. Did you reach a verdict?

6 PROSPECTIVE JUROR MCINTIRE: Yeah.

7 THE COURT: And was -- were you the foreperson.

8 PROSPECTIVE JUROR MCINTIRE: No.

9 THE COURT: All right. Who else raised their hand?

10 (Prospective jurors raise hands.)

11 THE COURT: Mr. Jilge.

12 PROSPECTIVE JUROR JILGE: It was criminal and  
13 partially through. Our jury pool was dismissed. There were a  
14 few people on the jury that actually ended up knowing the  
15 defendant.

16 THE COURT: Okay. Thank you.

17 Anybody else on your row?

18 (Prospective jurors raise hands.)

19 THE COURT: Yes, Mr. Brown.

20 PROSPECTIVE JUROR BROWN: It was criminal, and I got  
21 selected and he plea bargained right before they started  
22 trials.

23 THE COURT: Thank you, Mr. Brown.

24 Who else raised their hand that had been on a jury?

25 (Prospective jurors raise hands.)

1 THE COURT: Yes, Mr. Givel.

2 PROSPECTIVE JUROR GIVEL: Yes. It was a criminal  
3 case, and we did reach a verdict. It was guilty.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR GIVEL: And I was not the foreman.

6 THE COURT: You were not the foreman. Okay. Thank  
7 very much.

8 Just -- I'm just curious, were any of you actually here  
9 in this courtroom or this courthouse?

10 (Prospective jurors raise hands.)

11 THE COURT: You were, Ms. Curry?

12 PROSPECTIVE JUROR CURRY: I was at this courthouse,  
13 but not here.

14 THE COURT: Okay, different courtroom?

15 PROSPECTIVE JUROR CURRY: Yeah.

16 THE COURT: Okay. Thank you.

17 Raise your hand if you've ever been called to testify or to be  
18 a witness in a trial or court proceeding.

19 (Prospective jurors raise hands.)

20 THE COURT: Ms. Lyons-Ketchum, could you tell us  
21 about that.

22 PROSPECTIVE JUROR LYONS-KETCHUM: In 1999, I was  
23 called as a witness in a case where someone I knew had been  
24 arrested for possession of marijuana. I was just a witness.

25 THE COURT: Okay. Thank you. Pass the mic next to

1 you to Mr. Axton, please.

2 PROSPECTIVE JUROR AXTON: I doubt it has anything to  
3 do with this, but I'm often an expert witness in a lot of cases  
4 dealing with land problems, being a land surveyor.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR AXTON: But nothing civil or  
7 nothing really criminal or anything like that.

8 THE COURT: Okay. Mr. Axton, you said that your  
9 father was a district attorney?

10 PROSPECTIVE JUROR AXTON: Yes, sir.

11 THE COURT: What years did he work in the DA's  
12 Office.

13 PROSPECTIVE JUROR AXTON: Early 70s. I was a child.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR AXTON: Lots of drugs and cattle  
16 rustling.

17 THE COURT: Which county did he serve?

18 PROSPECTIVE JUROR AXTON: Cole.

19 THE COURT: Cole County, okay. Down in Atoka. Is  
20 that right?

21 PROSPECTIVE JUROR AXTON: No, Coalgate. We had lots  
22 of people come and try to take out their vengeance for his  
23 verdicts.

24 THE COURT: All right. Thank you, Mr. Axton.

25 Anybody else who has been a witness or called to

1 testify in a court proceeding?

2 (Prospective juror raises hand.)

3 THE COURT: Pass the mic up to Ms. Langford, please.

4 PROSPECTIVE JUROR LANGFORD: I'm not sure how much it  
5 matters, but when I was 12 I was called to testify against my  
6 dad. But I didn't actually have to go to court. I just went  
7 to the office, some sorted of office.

8 THE COURT: What was your father charged with?

9 PROSPECTIVE JUROR LANGFORD: Possession of marijuana.

10 THE COURT: Okay. All right. Thank you.

11 Have any of you ever been a party to a lawsuit where you've  
12 taken someone to court or someone's taken you to court?

13 (Prospective jurors raise hands.)

14 THE COURT: Ms. Ray.

15 PROSPECTIVE JUROR RAY: Well, let me clarify.

16 Divorce counts, right?

17 THE COURT: It does. I'm sure we have a lot of hands  
18 on that one.

19 PROSPECTIVE JUROR RAY: Twice.

20 THE COURT: Were those contested matters?

21 PROSPECTIVE JUROR RAY: Just piddly stuff, deciding  
22 who gets what. Finalizing custody of children. I had one with  
23 my first husband in 2006, and finalizing the last one right  
24 now.

25 THE COURT: Okay. Thank you, Ms. Ray.

1 Ms. Kaelin.

2 PROSPECTIVE JUROR KAELIN: A car accident when I was  
3 14, but that's it.

4 THE COURT: And did somebody --

5 PROSPECTIVE JUROR KAELIN: My dad had to sue my mom.  
6 Insurance reasons. To get my medical bills paid.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR KAELIN: Because she was at fault.

9 THE COURT: Okay. Anybody else on that row?

10 (Prospective jurors raise hands.)

11 THE COURT: Go back behind you there to Ms. Coffelt.  
12 Go ahead, Ms. Langford.

13 PROSPECTIVE JUROR LANGFORD: Divorce and then custody  
14 here in the last year.

15 THE COURT: Okay. Were those contested hearings like  
16 where you had to go before the judge?

17 PROSPECTIVE JUROR LANGFORD: Yeah. We did have to go  
18 before the judge just for the custody piece of it.

19 THE COURT: Okay. Thank you.

20 PROSPECTIVE JUROR COFFELT: I have two divorces. And  
21 then my first husband, we were in court for contempt against  
22 him.

23 THE COURT: Okay. How did that end?

24 PROSPECTIVE JUROR COFFELT: He was found guilty of  
25 contempt. Never followed through with anything on it, but,

1 yeah, he was found guilty.

2 THE COURT: Okay. Thank you, Ms. Coffelt.

3 Go back over to Ms. Corrales, please.

4 PROSPECTIVE JUROR CORRALES: Other than my divorce, I  
5 have taken a contractor to court. That was it.

6 THE COURT: And you say you were the plaintiff in  
7 that case?

8 PROSPECTIVE JUROR CORRALES: Yes, sir.

9 THE COURT: Okay. Thank you.

10 Who else had raised their hand to that question?

11 (Prospective jurors raise hands.)

12 THE COURT: We'll go down to -- is it Ms. Marino?

13 PROSPECTIVE JUROR MARINO: Let's see. There was a  
14 custody case with my first husband, then a divorce. And then  
15 there was dispute between a -- with my mother-in-law, and my  
16 husband was on the title of her house and she was the victim of  
17 a predatory loan.

18 THE COURT: How long ago was that?

19 PROSPECTIVE JUROR MARINO: The first two were  
20 probably about 30 years ago. The second one was probably maybe  
21 four years, three years ago, something like that.

22 THE COURT: Thank you.

23 Can we pass the microphone down -- go to Mr. Axton, I  
24 guess, first or Ms. Lyons-Ketchum.

25 PROSPECTIVE JUROR LYONS-KETCHUM: In 2006 for

1 establishing paternity for my younger son and child support.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR AXTON: Divorce, child custody, and  
4 about a couple of wills and how distribution went.

5 THE COURT: Okay. Thank you.

6 PROSPECTIVE JUROR GIVEL: 2013, and divorce and child  
7 custody matter here in this courthouse, Cleveland County. And  
8 in 2021, a lawsuit regarding the constitutionality of an  
9 Oklahoma Law, HB 1775.

10 THE COURT: Were your one --

11 PROSPECTIVE JUROR GIVEL: It's a civil case.

12 THE COURT: We're you one of the plaintiffs/parties  
13 to that?

14 PROSPECTIVE JUROR GIVEL: Yes.

15 THE COURT: Okay. Thank you.

16 For those of you that raised your hands, in those family law  
17 cases, were there ever any allegations of abuse or neglect  
18 involving DHS?

19 (Prospective juror raises hand.)

20 THE COURT: Mr. Bazemore. Is that something --

21 PROSPECTIVE JUROR BAZEMORE: I want to talk to you in  
22 private.

23 THE COURT: Okay. Very good. We'll get to that.

24 Thank you.

25 Ms. Kaelin.

1                   PROSPECTIVE JUROR KAELIN: We have adopted children  
2 out of the foster system, but I don't consider that a court  
3 case.

4                   THE COURT: I appreciate you telling me that. That's  
5 all I need to know on that.

6                   PROSPECTIVE JUROR KAELIN: Okay. Just making sure.

7                   THE COURT: Very good. Thank you. Thank you.  
8 All right. What I'm going to do is I'm going to excuse  
9 everybody until 11:30. I do want to ask Mr. Bazemore to stay  
10 behind and also Mr. Eubanks. And we will see you back here --  
11 actually, let's just plan on 11:40.

12                  THE BAILIFF: And everybody come back and sit where  
13 you're sitting.

14                  THE COURT: Yeah, but not until 11:40. All right.  
15 So I'm going to ask you all, except for those two, to please  
16 exit the courtroom. And remember, give yourself time to get  
17 back through security. Because I do want to start right at  
18 11:40.

19                  And remember my admonition not to look up anything  
20 about this case or to talk to other people about this case.  
21 Thank you.

22                  (All prospective jurors were excused except for Mr. Bazemore  
23 and Mr. Eubanks.)

24                  THE COURT: All right. I'm going to invite  
25 Mr. Eubanks -- earlier this morning you indicated that you had

1 been in some type of a Facebook discussion or dialogue with  
2 Mr. Norton. I wanted you to go into further detail about that.

3 PROSPECTIVE JUROR EUBANKS: If he is the same one, me  
4 and him have spoke privately about some rental properties that  
5 were posted. Like I said, I don't know that it's the same  
6 Dallas Norton, but it very well could be.

7 I have seen through mutual groups the name Dallas  
8 Norton and how he speaks to other individuals. So we've  
9 exchanged words through Facebook groups that way. Just overall  
10 rude and being disrespectful and getting called out.

11 THE COURT: Okay. What types of groups were these?

12 PROSPECTIVE JUROR EUBANKS: Usually like neighborhood  
13 area groups, I believe. Like a -- I would have to go back and  
14 look but it's out in the Newalla area, Harrah-Newalla, McLoud  
15 area is where I've seen the name.

16 THE COURT: Okay. I also want to ask you more about  
17 you said that you had an instance -- a child custody case  
18 where -- who was the lawyer in Mr. Nedwick's office?

19 PROSPECTIVE JUROR EUBANKS: Heather Stromeyer, I  
20 believe was her name.

21 THE COURT: Okay. And just to put it -- you weren't  
22 real happy with the outcome?

23 PROSPECTIVE JUROR EUBANKS: I wasn't happy with the  
24 outcome. But I hold no grudge or no ill feelings towards his  
25 office at all. It was -- it is what it was. And that's -- I

1 guess Heather felt that I wasn't paying adequately enough and  
2 on time enough.

3 She ended up withdrawing from the case. Once she  
4 withdrew from the case, my ex's attorney filed for a motion to  
5 change the court date and I never got notified. And once I  
6 missed that had court date, the judge in Oklahoma County signed  
7 off on it.

8 She had filed for an adoption with her new husband and  
9 tried to do it without me knowing. And I ended up getting  
10 served the final.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR EUBANKS: But that's no -- I mean,  
13 I have no ill feelings, no grudges, no nothing towards his  
14 office. I mean, it just -- it is what it is.

15 THE COURT: Okay.

16 Mr. Nedwick, do you have any questions for Mr. Eubanks?

17 MR. NEDWICK: Thanks for telling us all that. The  
18 interaction you had with a person named Dallas Norton, it seems  
19 like -- like you have an assumption that it's him, my client.  
20 And it seems like there's more than just a name that kind of  
21 triggers you.

22 PROSPECTIVE JUROR EUBANKS: I mean, it --

23 MR. NEDWICK: Was there a photo associated with it or  
24 --

25 PROSPECTIVE JUROR EUBANKS: I would have to go back

1 and look through my Facebook messenger. Like I said, I don't  
2 know what specific groups. I'm in a lot of Facebook groups.

3 MR. NEDWICK: Sure.

4 PROSPECTIVE JUROR EUBANKS: Especially being out in  
5 Eastern Cleveland County. I mean, if y'all are okay with it, I  
6 can pull that up real quick if we need --

7 MR. NEDWICK: I think it's more important for us to  
8 know how it made you feel when you heard his name. And I think  
9 you've expressed that.

10 PROSPECTIVE JUROR EUBANKS: I mean, it kind of got  
11 me. Like I said, the Dallas Norton that I spoke with the first  
12 time that I ever spoke with that person, was about a rental  
13 property, I believe, out in the Harrah, McLoud area.

14 And then after that, it was some pretty -- I'm not  
15 going to say nasty, but some pretty hateful exchanges, not only  
16 with myself but other people through the groups. You know,  
17 just rude and disrespectful. And I mean, that's kind of why  
18 the name kind of stuck out.

19 MR. NEDWICK: Okay. And based upon that, I think  
20 when the judge asked you if you felt like you could -- he was  
21 actually asking you if you could put the experience with my  
22 office aside.

23 PROSPECTIVE JUROR EUBANKS: Yes.

24 MR. NEDWICK: And you said it would be very  
25 difficult. But you were referring to the way --

1 PROSPECTIVE JUROR EUBANKS: Yes.

2 MR. NEDWICK: Knowing Mr. Norton or at least you  
3 think you know him.

4 PROSPECTIVE JUROR EUBANKS: Yes.

5 MR. NEDWICK: That you don't think you could be fair  
6 given what you are -- your experiences with him outside of the  
7 courtroom?

8 PROSPECTIVE JUROR EUBANKS: Yes, sir.

9 MR. NEDWICK: I would ask to excuse him for cause,  
10 your Honor.

11 THE COURT: All right. Thank you, Mr. Nedwick.

12 Does the State have any questions for Mr. Eubanks?

13 MS. AUSTIN: Based on the communications that you've  
14 had, you've already formed an opinion about Mr. Norton today  
15 from your -- those communications that you've had before. Is  
16 that correct?

17 PROSPECTIVE JUROR EUBANKS: Yes.

18 MS. AUSTIN: I have no objection. Thank you for  
19 telling us about that. I appreciate it.

20 THE COURT: Mr. Eubanks, we will excuse you. You're  
21 free to leave and you don't have to come back.

22 PROSPECTIVE JUROR EUBANKS: All right. Do I need to  
23 check out or anything?

24 THE COURT: No. You're good to go. Thank you.

25 PROSPECTIVE JUROR EUBANKS: Thank you.

1                   THE COURT: Mr. Bazemore, thank you for staying  
2 through part of this break. You had indicated, when I asked a  
3 couple of questions, that you had information that you would  
4 like to share privately. So we're giving you that courtesy.  
5 Would you please give further details?

6                   PROSPECTIVE JUROR BAZEMORE: Yeah. This is difficult  
7 for me, but during a divorce years ago, my first wife tried to  
8 accuse me of -- I'm sorry. I get emotional.

9                   Anyway, she tried to accuse me of molesting one of my  
10 children. But, of course, they investigated it. Nothing --  
11 there was nothing. But that went on my record with the DHS,  
12 so. And we had our divorce and went on, all that.

13                  And years later, someone -- the Norman Police  
14 Department detectives came to me and there was a case involving  
15 a kid in foster care from a girlfriend I had had previously.  
16 And supposedly there was -- something had happened to that  
17 child, and they came to investigate me. And, again, I had  
18 nothing to do with it. I took their lie detector test, passed  
19 it and all that.

20                  But the -- so that went away. Then I had a girlfriend  
21 that got in trouble from spanking her kid. And they looked at  
22 me and said that she couldn't be with me because that. I've  
23 never been charged anything. But they broke us up.

24                  And I'm sorry, but I'm bitter about that. Being here  
25 causes me distress. I apologize. It's difficult for me. But

1       an innocent man that had his life screwed up because the heavy  
2       handedness of the State. So I feel that affects this.

3           THE COURT: Ms. Whatley, would you like to inquire?

4           MS. WHATLEY: Yes, your Honor. I have a couple of  
5       questions for Mr. Bazemore. First of all, thank you for being  
6       honest with us about your experiences. You mentioned several  
7       times in your statement just now -- you kept saying "they".  
8       Were you talking about specifically DHS when you were talking  
9       about the State?

10          PROSPECTIVE JUROR BAZEMORE: DHS, yes.

11          MS. WHATLEY: Okay. I just wanted to make sure.  
12       Because no formal charges were ever filed against you?

13          PROSPECTIVE JUROR BAZEMORE: Never. The detectives  
14       were fine. I never had any trouble with the detectives and the  
15       work they did, but the DHS --

16          MS. WHATLEY: Okay. And that's -- all those  
17       experiences and those investigations you were talking about  
18       were all DHS initiated and related?

19          PROSPECTIVE JUROR BAZEMORE: Yes.

20          MS. WHATLEY: Okay. Does that experience -- those  
21       several experiences that you've had, does that not put the  
22       State of Oklahoma on the same playing field, on a level playing  
23       field, as the defendant in this case?

24          PROSPECTIVE JUROR BAZEMORE: Could you say that  
25       again?

1                   MS. WHATLEY: Yeah. So does that -- is that going  
2 to -- the fact that you've had these prior experiences, that  
3 you've walked into this courtroom with, all those prior  
4 experiences -- and I believe your word was bitterness or that  
5 you have some bitterness.

6                   Does that mean that you -- you're not going to be able  
7 to be fair to the State because you have those very specific  
8 personal experiences?

9                   PROSPECTIVE JUROR BAZEMORE: My experience with the  
10 State was -- and I understand their point of view and their  
11 reference, but my personal experience was that they were not,  
12 in my case, fair.

13                  MS. WHATLEY: Right. And so my question to you is  
14 that, if you were the State of Oklahoma -- because I represent  
15 the State of Oklahoma, would you want you -- if you were me,  
16 would you want you on your jury?

17                  PROSPECTIVE JUROR BAZEMORE: If I was the State, no,  
18 because the -- I -- my experience, I think, clouds it.

19                  MS. WHATLEY: Okay. And so you think that your  
20 experiences makes it impossible for you to be fair to both  
21 sides in this -- in this case? Maybe not some other case, but  
22 just --

23                  PROSPECTIVE JUROR BAZEMORE: Well, I don't really  
24 know this case. I just know that --

25                  MS. WHATLEY: Right.

1                   PROSPECTIVE JUROR BAZEMORE: I just know my  
2 experience. And as I said, even getting into this distresses  
3 me, because it brings up stuff that I don't -- I don't live  
4 this, you know.

5                   MS. WHATLEY: I understand.

6                   PROSPECTIVE JUROR BAZEMORE: It just -- it's not  
7 something I carry every day. It's just here we are, and it  
8 troubles me.

9                   MS. WHATLEY: Okay. Your Honor, at this time the  
10 State moves to strike Mr. Bazemore for cause.

11                  THE COURT: Mr. Nedwick.

12                  MR. NEDWICK: May I question him?

13                  THE COURT: You may.

14                  MR. NEDWICK: Mr. Bazemore, thank you so much for  
15 talking with us about that. You've had a bad experience with  
16 the State, specifically DHS. You said that as far as law  
17 enforcement goes, you actually had a good experience with them.  
18 Is that right?

19                  PROSPECTIVE JUROR BAZEMORE: Well, it wasn't  
20 negative. It was -- they did their job, I felt.

21                  MR. NEDWICK: So I anticipate, you might have heard  
22 that one of the people on the panel is actually married to one  
23 of the Norman PD detectives.

24                  PROSPECTIVE JUROR BAZEMORE: Uh-huh.

25                  MR. NEDWICK: I anticipate, if it's like most jury

1 pools, there are going to be an overwhelming majority of jurors  
2 who have a positive experience -- have positive experiences  
3 with the State of Oklahoma, whether it be the DA's office,  
4 the -- DHS.

5 Some of the people that we heard from and that are on  
6 the panel actually worked out with children in some capacity.  
7 So there are going to be lots of people who have positive  
8 experiences with the State of Oklahoma who will stay on the  
9 jury.

10 You have a bad experience with them, and maybe some  
11 agitation with them as well left over. But if the State of  
12 Oklahoma, after we are all done with listening to evidence, to  
13 argument, all the judge's instructions, would you, if you  
14 believed that the State met its burden, be able to convict  
15 Mr. Norton of the charges that he's been charged with if they  
16 had met their burden?

17 PROSPECTIVE JUROR BAZEMORE: I suppose. It would  
18 just be difficult for me to sit through and do this.

19 MR. NEDWICK: Difficult on you emotionally and so on?

20 PROSPECTIVE JUROR BAZEMORE: Uh-huh.

21 MR. NEDWICK: Is that what you mean?

22 PROSPECTIVE JUROR BAZEMORE: Yes.

23 MR. NEDWICK: It would not -- your experience  
24 wouldn't prevent you from judging the evidence -- if you were,  
25 in fact, selected to be on this jury, your experience wouldn't

1 prevent you from weighing the evidence fairly, and if the State  
2 met its burden, then find him guilty?

3 PROSPECTIVE JUROR BAZEMORE: Right.

4 MR. NEDWICK: Thank you so much, Mr. Bazemore.

5 THE COURT: Okay. I'm going to go ahead and excuse  
6 Mr. Bazemore. I realize Mr. Nedwick has objected. But I do  
7 believe that based upon his answers to us, he should be excused  
8 for cause at this time.

9 MR. NEDWICK: Okay. Over our objection.

10 THE COURT: I'll note it for the record.

11 Mr. Bazemore, I'm excusing you from this jury. Thank  
12 you so much for showing up today and for sharing these things  
13 with us.

14 PROSPECTIVE JUROR BAZEMORE: Thank you.

15 THE COURT: Thank you.

16 MR. NEDWICK: Thank you, Mr. Bazemore.

17 THE COURT: Okay.

18 MS. AUSTIN: Ms. Corrales, No. 6.

19 THE COURT: Yeah, I wonder if we can get her in.

20 MS. WHATLEY: She was --

21 THE COURT: Is there any way we can track down  
22 Ms. Corrales?

23 (Discussion was had off the record.)

24 MR. NEDWICK: I don't believe Ms. Counts described  
25 that on the record as an issue. I think she did mention that

1       she -- her mother moved out here and she's taking care of her.  
2       She did not -- I think maybe she had mention to Jami outside of  
3       here.

4                  THE COURT: Well, let's bring in Ms. Counts.

5                  THE BAILIFF: She's standing outside the door.

6                  THE COURT: If you can find Ms. Corrales.

7                  THE BAILIFF: Okay.

8                  THE COURT: If you will just go ahead and maybe sit  
9       in this chair right here (indicating), that way Angie can hear  
10      you and we can see you.

11                 Ms. Counts, you had contacted Jami -- the bailiff said  
12      that you had had a concern that you would like to bring up to  
13      me.

14                 PROSPECTIVE JUROR COUNTS: I have a couple. So my  
15      mom, as I mentioned, is -- and her neuro told her that she has  
16      great depression.

17                 THE COURT: Hold on a second. Will you say your  
18      mother's condition?

19                 PROSPECTIVE JUROR COUNTS: My mom is either  
20      pre-dementia or it's just great depression after losing my  
21      father. And then I moved her out here after living in  
22      Mississippi for all of her life. She is going through a lot,  
23      and I am pretty much her caregiver.

24                 My biggest concern is if she gets out and about, I only  
25      give her like a mile radius to go. But if she gets out and

1 about, she can get lost and she has to call me. And so I just  
2 kind of have to be on call for her in case something does  
3 happen with her. I am an only child. So that is my job at  
4 this point in time.

5 And I didn't mention it earlier, because nothing really  
6 happened, but years ago, we were at the lake and someone tried  
7 to kidnap my daughter. They didn't. She ran and she screamed.  
8 And we got the police and the police didn't find anybody. They  
9 couldn't find the car.

10 But it is a concern I have that scared me to death and  
11 it's always been in the back of my mind. So that's just --  
12 that's another thing. My biggest thing is my mother. But then  
13 the other is always there. So with that said...

14 THE COURT: Are you concerned that being a juror in  
15 this case might trigger or cause you to remember those  
16 incidents at the lake?

17 PROSPECTIVE JUROR COUNTS: I always -- every time I  
18 hear issues of something like this, it always goes back to  
19 that. And so, yes.

20 THE COURT: Okay. All right. Ms. Whatley, do you  
21 have any questions?

22 MS. WHATLEY: Just as far as it relates to the -- I  
23 mean, to this charge, you know, obviously, this involves a  
24 child but it doesn't involve -- did you say -- was it a  
25 kidnapping that you said of your child?

1 PROSPECTIVE JUROR COUNTS: Someone tried to.

2 MS. WHATLEY: Tried to, okay.

3 PROSPECTIVE JUROR COUNTS: Yes. It was a man and he  
4 tried to get her --

5 MS. WHATLEY: Okay. And just so --

6 PROSPECTIVE JUROR COUNTS: -- and put her in the car.

7 MS. WHATLEY: -- that you're aware -- I didn't mean  
8 to interrupt you. I'm sorry. The court reporter's going to  
9 kill me.

10 You're aware -- I'll let you know, this doesn't have  
11 anything to do with kidnapping. There's no allegations of  
12 kidnapping in this charge. I don't know -- in this case. I  
13 don't know if that makes you feel better at all.

14 But specifically, as it relates to the care of your  
15 mom, are you the only -- I guess the only person that provides  
16 any sort of care to her? Are there other individuals in your  
17 family? I know you said you were an only child. I didn't know  
18 if there were other individuals within your immediate family  
19 who also provide care for your mom? I didn't know how that  
20 worked if you're unavailable.

21 PROSPECTIVE JUROR COUNTS: My husband.

22 MS. WHATLEY: Okay.

23 PROSPECTIVE JUROR COUNTS: His job -- he's not real  
24 flexible with his job. So if there's issues, I'm just always  
25 the person. My daughter is nine months pregnant. There's not

1 much she's going to be able to do to help.

2 MS. WHATLEY: Okay.

3 PROSPECTIVE JUROR COUNTS: And my son, his job  
4 won't -- you know, he can't just up and leave what he's doing  
5 either.

6 MS. WHATLEY: I don't have any other questions.

7 THE COURT: Mr. Nedwick?

8 MR. NEDWICK: Just -- I don't want to harp on the --  
9 that past experience, but it sounds like it was when you still  
10 lived in Mississippi?

11 PROSPECTIVE JUROR COUNTS: No. No, sir. It was  
12 here. It was at Lake Murray.

13 MR. NEDWICK: Oh, okay. So it was Oklahoma law  
14 enforcement that it was reported to?

15 PROSPECTIVE JUROR COUNTS: Yes. We called the police  
16 at Lake Murray. The Lake Murray police or whatever.

17 MR. NEDWICK: And they were unable to locate an  
18 individual?

19 PROSPECTIVE JUROR COUNTS: It was just a car. We  
20 couldn't get a car tag. We just had the description of the  
21 car.

22 MR. NEDWICK: Any ill feelings or feelings that they  
23 didn't do enough or -- that might impact the way you listen to  
24 other officers in this case if they were to testify?

25 PROSPECTIVE JUROR COUNTS: No. I mean, based on what

1 we could give them, they did the best they could. It was just  
2 a really big scare.

3 MR. NEDWICK: Okay. Well, thank you so much. And  
4 I'm sorry about that. I'm not going to ask you about your  
5 mother. I'll let the judge make his own determination on that.

6 PROSPECTIVE JUROR COUNTS: Thank you. Thank you.

7 THE COURT: Ms. Counts, you know, at the end of this  
8 process, you could very well be dismissed, excused. And if you  
9 are selected, I think we could be flexible enough to where if  
10 there's a situation arise, we could allow you to respond to a  
11 call if we needed to.

12 PROSPECTIVE JUROR COUNTS: Okay.

13 THE COURT: So we try our best to accommodate that.  
14 So thank you so much for sharing those things with us.

15 PROSPECTIVE JUROR COUNTS: And if my grandbaby is  
16 born, can I be excused?

17 THE COURT: Just let us know. We'll hopefully be  
18 done with the trial before then.

19 PROSPECTIVE JUROR COUNTS: Okay. No worries as long  
20 as I have the option to be able to answer her if I need to.

21 THE COURT: Yeah. Yeah.

22 PROSPECTIVE JUROR COUNTS: Thanks.

23 THE COURT: Thank you.

24 We're going to bring in Ms. Corrales.

25 (Prospective Juror Corrales enters.)

1                   THE COURT: Ms. Corrales, if you could please come up  
2 here so we can hear better and have a seat.

3                   PROSPECTIVE JUROR CORRALES: Thank you.

4                   THE COURT: Ms. Corrales, earlier this morning I was  
5 asking some questions, and some of my questions were visibly  
6 upsetting to you. And it appeared as though you have had some  
7 experiences with your family in your own life that we need to  
8 explore just a little bit.

9                   I want to respect your privacy, but I hope you  
10 understand we just need to know a little bit more, and  
11 particularly how that could affect your ability to be a juror  
12 in this case.

13                  PROSPECTIVE JUROR CORRALES: I understand. That's  
14 why I wanted just to bring it up. I'm not sure -- I'm sorry.

15                  THE COURT: You just take your time.

16                  PROSPECTIVE JUROR CORRALES: I just -- I understand  
17 that he deserves someone fair. And maybe I would be a little  
18 bit more bias. I may believe her because of my daughter. It  
19 would be hard for me to maybe not find truth in either one of  
20 them. I don't know.

21                  So I mean, I would definitely love to be open minded.  
22 I don't want to just seem like I would be just one sided, but I  
23 don't know. I didn't even think it would affect me.

24                  THE COURT: Sure. You understand that while  
25 Mr. Norton has been charged, he is presumed innocent?

1 PROSPECTIVE JUROR CORRALES: Yes.

2 THE COURT: And unless and until the State presents  
3 evidence that convinces the jurors of guilt beyond a reasonable  
4 doubt, he cannot be found guilty.

5 PROSPECTIVE JUROR CORRALES: Very true.

6 THE COURT: And what I need to know is would you be  
7 able to listen, consider all the evidence, and weigh that  
8 evidence and withhold any judgment until the conclusion of the  
9 trial until after you have weighed that evidence and  
10 deliberated with the other jurors on whether or not Mr. Norton  
11 is guilty?

12 PROSPECTIVE JUROR CORRALES: Yes.

13 THE COURT: Mr. Nedwick, would you want to follow up  
14 with any questions?

15 MR. NEDWICK: Thank you for sharing all this with us.  
16 I know it's not easy. I can't imagine how difficult. And  
17 obviously we've seen you twice now try to talk about it and  
18 you're very emotional in front of the other jurors and then now  
19 again.

20 One concern that I would have is without even hearing  
21 the evidence you've gotten very emotional. When you start  
22 hearing evidence, particularly a young person describing what  
23 she alleges is sexual abuse, that -- are you concerned that  
24 that will likewise cause you to be emotional?

25 PROSPECTIVE JUROR CORRALES: Absolutely.

1                   MR. NEDWICK: Virtually no way for you not to be  
2 emotional during that kind of --

3                   PROSPECTIVE JUROR CORRALES: I really didn't think I  
4 would even be affected. I've thought about -- I've been  
5 thinking about cases like this in the past when I have been  
6 called for jury duty. And it didn't even affect me those days.  
7 They didn't choose me that day anyways, but I don't know why  
8 I'm so emotional today.

9                   MR. NEDWICK: Okay. You wouldn't want to  
10 Mr. Norton -- despite your open mindedness and your desire to  
11 give him a fair trial, you wouldn't want your reaction to the  
12 evidence to cause the other -- to cause him any problems with  
13 the other jurors, would you?

14                   PROSPECTIVE JUROR CORRALES: No, absolutely not.

15                   MR. NEDWICK: Are you concerned that that might  
16 happen as the evidence is coming in?

17                   PROSPECTIVE JUROR CORRALES: I wouldn't think so  
18 until I behaved the way I did today.

19                   MR. NEDWICK: Given the way you've -- it's impacted  
20 you today, are you concerned that you would likewise have an  
21 emotional reaction to the evidence?

22                   PROSPECTIVE JUROR CORRALES: It would be hard for me  
23 to say, because normally I would say no.

24                   MR. NEDWICK: But not today?

25                   PROSPECTIVE JUROR CORRALES: But not today.

1 MR. NEDWICK: Okay.

2 PROSPECTIVE JUROR CORRALES: Maybe after I -- since  
3 it's resurfaced.

4 MR. NEDWICK: Sure. How long ago was it that this  
5 came up before in a courtroom?

6 PROSPECTIVE JUROR CORRALES: It was 2005.

7 MR. NEDWICK: 2005. And you weren't selected, but  
8 you sat through voir dire?

9 PROSPECTIVE JUROR CORRALES: I just sat with her in  
10 the hallway.

11 MR. NEDWICK: Oh, I'm sorry.

12 PROSPECTIVE JUROR CORRALES: Day one, I just sat with  
13 her in the hallway. And we were waiting to be called to the  
14 stand. And he was on the stand. And then he admitted guilty,  
15 and that was it. We never had to get on the stand. She never  
16 had to talk or any of that, so.

17 MR. NEDWICK: I gotcha.

18 PROSPECTIVE JUROR CORRALES: We were kind of -- it  
19 was a pretty quick day one.

20 MR. NEDWICK: And that -- what I was -- I thought  
21 that you indicated that other times, you had been on jury  
22 panels and this kind of case had come up and it didn't impact  
23 you. Did I misunderstand that part?

24 PROSPECTIVE JUROR CORRALES: What I was trying to say  
25 is I have been called for jury duty two other times about --

1 one was a sexual case. The other was just a criminal case.  
2 And none of those type feelings have came to the surface in the  
3 past. I didn't feel that way.

4 MR. NEDWICK: Neither one of them involved  
5 allegations made by a child?

6 PROSPECTIVE JUROR CORRALES: I think it did. Yeah,  
7 it did involve a child. Uh-huh.

8 MR. NEDWICK: Were your actually --

9 PROSPECTIVE JUROR CORRALES: I was younger, I think  
10 at that time maybe.

11 MR. NEDWICK: I'm sorry.

12 PROSPECTIVE JUROR CORRALES: Maybe because I was just  
13 younger. Maybe I just was trying to have a really clear mind,  
14 a real sharper mind. And today, this morning, maybe not so  
15 sharp.

16 MR. NEDWICK: Were you actually questioned about --

17 PROSPECTIVE JUROR CORRALES: Absolutely not. I  
18 wasn't there, so.

19 MR. NEDWICK: I'm sorry. Again, I'm speaking on your  
20 experience as a prior juror or potential juror.

21 PROSPECTIVE JUROR CORRALES: Oh, okay. Yes, sir. Go  
22 ahead. What was the question?

23 MR. NEDWICK: Were you questioned at all during that  
24 time or did you sit in the gallery?

25 PROSPECTIVE JUROR CORRALES: I believe that -- if I

1 remember correctly, we were all kind of like on a panel like  
2 this. We were asked questions like that. And I didn't even  
3 mention it. I didn't mention that case. You know, maybe I  
4 thought it wasn't necessary or whatever I had thought in the  
5 past.

6 MR. NEDWICK: Given your experience and your  
7 emotions, do you feel like this is a case that you're probably  
8 not the best juror for to give Mr. Norton a fair and impartial  
9 trial?

10 PROSPECTIVE JUROR CORRALES: I would like to say that  
11 I would be fair. It may be a struggle for me and I would find  
12 some difficulties.

13 MR. NEDWICK: So there's a presumption of innocence.  
14 And all the burden is on the State. And when you say it would  
15 be a struggle to be fair to him, it sounds like you're starting  
16 off from a standpoint that --

17 PROSPECTIVE JUROR CORRALES: I think that's why I  
18 wanted to say it. But I'm 100 percent with evidence. I was a  
19 legal assistant in the past for three years, so I would say I  
20 would definitely take all that into consideration, 100 percent.

21 MR. NEDWICK: Do you agree with me, though, that you  
22 wouldn't be starting from -- given your experience and your  
23 emotions on this issue, you wouldn't be starting from the point  
24 of presumption of innocence and viewing the evidence in a fair  
25 and impartial way that puts all the burden on the State to

1 prove --

2 PROSPECTIVE JUROR CORRALES: I would have to agree  
3 with that.

4 MR. NEDWICK: You would agree?

5 PROSPECTIVE JUROR CORRALES: I would be judgmental.

6 MR. NEDWICK: Okay.

7 MS. WHATLEY: I --

8 MR. NEDWICK: I would ask she be excused for cause.

9 MS. WHATLEY: Sorry. I didn't mean to interrupt  
10 Mr. Nedwick. I'm just confused by his question. I think he  
11 said it both ways. He said putting all the burden on the State  
12 but then he also said it pre-judgmental in that sentence so can  
13 I ask a couple of questions just to clarify, your Honor?

14 THE COURT: I'll allow you to.

15 MS. WHATLEY: Thank you.

16 Is it Ms. Corrales? Is that how you say it?

17 PROSPECTIVE JUROR CORRALES: Yes.

18 MS. WHATLEY: What both of us -- all of the questions  
19 that we're asking you are really just -- it's about one main  
20 thing. We both want to make sure that we get fair and  
21 impartial jurors. Want to make sure that -- we understand that  
22 there are people that have experiences that have happened.  
23 Everybody has lived life outside of the courthouse.

24 And we -- but we want to make sure that none of those  
25 personal experiences make people biased to be jurors against

1 either party, against the defendant or the State. And so the  
2 concern is, is that with this very close thing that happened to  
3 you, that it would be difficult for you maybe to check those  
4 experiences at the door and not bring in that experience when  
5 you're deliberating or when you're looking at the evidence.  
6 Does that make sense?

7 PROSPECTIVE JUROR CORRALES: Yes. That's exactly  
8 right.

9 MS. WHATLEY: So that's the main question. Can you  
10 set aside your personal experience as a mom who has -- who's  
11 had a child who's been a victim? Can you set aside that  
12 personal experience and be a fair and impartial juror in this  
13 case and judge this case just based off the evidence that you  
14 receive in this case?

15 PROSPECTIVE JUROR CORRALES: Absolutely.

16 THE COURT: Well, I'm going to, at this time, deny  
17 Mr. Nedwick's request to excuse her for cause. I believe  
18 Ms. Corrales has demonstrated that she can be fair and  
19 impartial and set aside her personal experiences.

20 Mr. Nedwick, you may reurge that at a later time, if  
21 you feel like there's additional information. All right.

22 MR. NEDWICK: Thank you, your Honor.

23 THE COURT: Thank you, Ms. Corrales. You may be  
24 excused.

25 PROSPECTIVE JUROR CORRALES: Thank you.

1 THE COURT: Let's start at five till. And I intend  
2 to go until about 12:30.

3 (Recess was had.)

THE COURT: All right. I appreciate all the jurors getting back so quickly and on time. I know I had you wait like 15 minutes. That's going to happen sometimes. There's things that have to happen outside your presence. And we spent about 20 or 30 minutes in here after you left doing those things. So thank you for your understanding.

I have excused Mr. Bazemore and Mr. Eubanks. Reba,  
please call two more names.

12 THE CLERK: Moore, Kendra Moore, M-O-O-R-E. Smith,  
13 Jeffrey Smith, S-M-I-T-H.

14 THE COURT: All right. Welcome, Ms. Moore,  
15 Mr. Smith. Ms. Moore, would you please introduce yourself.

16 PROSPECTIVE JUROR MOORE: Hi. I'm Kendra Moore. I  
17 forgot the questions you asked.

18 THE COURT: Tell us education level, job, kids, your  
19 spouse, their information, and where you live in the county.

PROSPECTIVE JUROR MOORE: Okay. I live in Moore.  
Education, some college. Didn't graduate. I work in retail.  
And I have three children.

THE COURT: Okay. Do you have a partner or.

24 PROSPECTIVE JUROR MOORE: No.

25 THE COURT: Okay. And Ms. Moore, in your free time,

1 do you watch or listen to anything?

2 PROSPECTIVE JUROR MOORE: I've been watching Peaky  
3 Blinders.

4 THE COURT: Okay. All right. Thank you,  
5 Ms. Moore.

6 Mr. Smith, let's wait until the microphone gets down  
7 to you.

8 PROSPECTIVE JUROR SMITH: I'm Jeff Smith. I have a  
9 bachelor's degree in secondary education from Emporia State  
10 University in Kansas. My wife, Shawna that has a bachelor's in  
11 biology from UT Arlington.

12 I'm the executive director of teacher certification at  
13 the Oklahoma State Department of Education. And I'm a sports  
14 nut. My favorite shows are probably Barry, Better Call Saul  
15 and Peaky Blinders.

16 THE COURT: All right. We've got two for Peaky  
17 blinder. Thank you. All right.

18 Ms. Moore and Mr. Smith, I asked a lot of questions.  
19 I asked the jurors if they knew the attorneys or any witnesses  
20 or the defendant. Do either one of you know any of those  
21 people?

22 (Prospective jurors indicating in the negative.)

23 THE COURT: Okay. Have either one of you read or  
24 heard anything about this case?

25 (Prospective jurors indicating in the negative.)

1                   THE COURT: No? All right. Do either one of you  
2 have any friends or relatives that are employed with law  
3 enforcement agencies?

4                   PROSPECTIVE JUROR MOORE: Moore no.

5                   PROSPECTIVE JUROR SMITH: I have a friend who's an  
6 officer.

7                   THE COURT: All right. Mr. Smith, could you  
8 elaborate on that?

9                   PROSPECTIVE JUROR SMITH: It's really just more a  
10 friend of a friend that I probably talk to like two or three  
11 times a year.

12                  THE COURT: Is he with Norman Police Department.

13                  PROSPECTIVE JUROR SMITH: I think Oklahoma City.

14                  THE COURT: Okay. Do you know his name?

15                  PROSPECTIVE JUROR SMITH: Mark Strickland.

16                  THE COURT: Okay. Thank you. All right.

17                  Mr. Smith, while you have that microphone, have you had any  
18 experience that you feel might affect your consideration of  
19 this case?

20                  PROSPECTIVE JUROR SMITH: No, sir.

21                  THE COURT: Okay. How about you, Ms. Moore?

22                  PROSPECTIVE JUROR MOORE: No.

23                  THE COURT: No. Have either one of you ever been a  
24 party to a lawsuit?

25                  PROSPECTIVE JUROR SMITH: No for me.

1 THE COURT: No.

2 PROSPECTIVE JUROR MOORE: (Indicating in the  
3 negative.)

4 THE COURT: Have either one of you ever been called  
5 to testify in as a witness in a lawsuit or legal proceeding.

6 PROSPECTIVE JUROR SMITH: Also no.

7 PROSPECTIVE JUROR MOORE: No.

8 THE COURT: Have either one of you been a juror  
9 before?

10 PROSPECTIVE JUROR SMITH: Summoned, but got dismissed  
11 early.

12 THE COURT: How about you, Ms. Moore?

13 PROSPECTIVE JUROR MOORE: No.

14 THE COURT: You have not, okay.

15 All right. These questions are now for everybody.  
16 Please raise your hand if you've ever been charged with or  
17 accused of a crime.

18 (Prospective jurors raise hands.)

19 THE COURT: Okay. We have a couple. All right. Mr.  
20 Hill. We'll start with you.

21 PROSPECTIVE JUROR HILL: Possession of marijuana.

22 THE COURT: Okay. How did that case end up?

23 PROSPECTIVE JUROR HILL: When I was 18, I got a  
24 deferred sentence. I just got off of probation like a few  
25 years ago for it.

1 THE COURT: Okay. Was that here in Cleveland County?

2 PROSPECTIVE JUROR HILL: No. Oklahoma County.

3 THE COURT: Okay. Thank you.

4 Ms. Ray.

5 PROSPECTIVE JUROR RAY: It was for some bad checks  
6 when I was a teenager and it got dismissed.

7 THE COURT: All right. Was that here in Cleveland  
8 County?

9 PROSPECTIVE JUROR RAY: No. That was in Pontotoc  
10 County.

11 THE COURT: Pontotoc County. Okay. Thank you.

12 Jami, could you pass the microphone up to -- is it  
13 Mr. Cromack?

14 PROSPECTIVE JUROR CROMACK: Yes, sir.

15 THE COURT: All the way up there to the front row.

16 Go ahead, Mr. Cromack.

17 PROSPECTIVE JUROR CROMACK: Just disturbing the  
18 peace, Oklahoma County.

19 THE COURT: Okay. How long ago was that?

20 PROSPECTIVE JUROR CROMACK: Years.

21 THE COURT: Years. And how did it -- was it  
22 dismissed? Did you enter a plea?

23 PROSPECTIVE JUROR CROMACK: Yeah, I met all the  
24 criteria and there was -- I don't know if it was -- I think it  
25 was just left at that. I paid a fine and it was done.

1                   THE COURT: Okay. All right. Thank you.

2                   Did I miss anybody?

3                   (Prospective jurors indicating in the negative.)

4                   THE COURT: All right. Question -- next question is  
5 kind of like it. Do you have any friends, close friends or  
6 relatives who have been charged with or accused of crimes?

7                   (Prospective jurors raise hands.)

8                   THE COURT: Have a few more hands going up. Let's  
9 pass the microphone first to Ms. Littledeer.

10                  PROSPECTIVE JUROR LITTLEDEER: I have an uncle who  
11 has been charged with numerous things. I don't even know what  
12 they are. But it's in Adair County.

13                  THE COURT: Okay. All right. Has he ever gone to  
14 prison?

15                  PROSPECTIVE JUROR LITTLEDEER: Yes.

16                  THE COURT: How do you feel about that?

17                  PROSPECTIVE JUROR LITTLEDEER: I'm not very close to  
18 him. So I -- I also don't know what they were for, so I don't  
19 really have any thoughts about it.

20                  THE COURT: Okay. Thank you.

21                  Anybody else on this front row up here?

22                  (Prospective jurors indicating in the negative.)

23                  THE COURT: How about the next row behind you?

24                  All right. Ms. Lyons-Ketchum.

25                  PROSPECTIVE JUROR LYONS-KETCHUM: My brother has been

1       in and out of prison since he was a teenager. And he is in his  
2       early 40s now. He is currently out and has been for more than  
3       seven years because my niece. Yeah.

4                  THE COURT: What kinds of things was he charged with?

5                  PROSPECTIVE JUROR LYONS-KETCHUM: Everything you can  
6       imagine with drugs, robbery, assault. I even think cattle  
7       rustling once. A lot of things.

8                  THE COURT: Do you know if he's been charged with  
9       anything that requires him to register in the Sex Offender Act?

10                 PROSPECTIVE JUROR LYONS-KETCHUM: No, he has not.

11                 THE COURT: Okay. All right. Thank you.

12                 Yes, Mr. Jilge.

13                 PROSPECTIVE JUROR JILGE: Very close cousin that I  
14       grew up with served eight years. Just was released about a  
15       year and a half ago from the state penitentiary for drug  
16       related charges.

17                 THE COURT: Was that here in Oklahoma?

18                 PROSPECTIVE JUROR JILGE: Oklahoma County.

19                 THE COURT: Do you think it was just for him to go to  
20       prison on drug charges?

21                 PROSPECTIVE JUROR JILGE: Absolutely.

22                 THE COURT: Okay. All right. Go back in front of  
23       you to Mr. Axton.

24                 PROSPECTIVE JUROR AXTON: I have a friend that was --  
25       went through drug court with Tupper several years ago, and that

1 was a very good outcome. He's a great judge.

2 I have an uncle that years, years, years ago had some  
3 drug issues. And I have a cousin that's in prison. At this  
4 point, I don't even know what all he's in prison for. He's  
5 kind of schizophrenic. But I think he originally went in for  
6 some improper sexual dealings with minors, something like that.  
7 But I don't know the details.

8 THE COURT: Okay. Thank you, Mr. Axton.

9 Anybody else in that same row have their hand up?

10 (Prospective jurors raise hands.)

11 THE COURT: Okay. Mr. Smith.

12 PROSPECTIVE JUROR SMITH: Yeah. Close cousin that  
13 has -- I don't even know what all, but I know theft, fraud, and  
14 drug possession. But none of them were in the area. Most of  
15 them were in Kansas. I think the closest offense was in Tulsa.

16 THE COURT: All right. Thank you, Mr. Smith.

17 All right. I believe -- Mr. Brown, did you have  
18 something you wanted to add or was it Mr. Black?

19 PROSPECTIVE JUROR BLACK: It was me.

20 THE COURT: Mr. Black.

21 PROSPECTIVE JUROR BLACK: So my mother, when I was  
22 junior high/high school, she was employed at Tinker as a  
23 purchasing agent, I believe is what it was. Her and her --  
24 she's a civilian.

25 Her and her -- I don't remember if it was a colonel

1 or a general were charged with embezzlement. And she was in --  
2 served at a halfway house for two years after convicted.  
3 That's all.

4 THE COURT: Mr. Black, how did that experience affect  
5 you?

6 PROSPECTIVE JUROR BLACK: Kind of sucked when you  
7 were in high school and people find out about it, to be honest,  
8 but she did it. She turned out great after that, so.

9 THE COURT: Okay. Thank you, Mr. Black.

10 Who else had raised their hands?

11 (Prospective jurors raise hands.)

12 THE COURT: All right. Behind you. Ms. Ray.

13 PROSPECTIVE JUROR RAY: I used to work in the  
14 correctional facility, so I've known several officers that  
15 brought in contraband to facilities whenever I was working in  
16 prisons.

17 And I also have a friend who -- well, childhood  
18 friend that I found out recently had some charges for  
19 inappropriate acts with a child under the age of 16. And I do  
20 not know how that's turned out. I have not followed it.

21 THE COURT: Okay. Thank you, Ms. Ray.

22 Ms. Kaelin.

23 PROSPECTIVE JUROR KAELIN: Where to we begin.  
24 So both my parents have gone to jail, been charged for drugs at  
25 one point in time. My sister, my brother, he's been in and out

1 of prison. Most of my cousins on my mom's side. So I have a  
2 multitude of people who have been charged.

3 THE COURT: Do you think, Ms. Kaelin, that everyone  
4 who's charged is guilty of doing something whether or not  
5 they're -- they admit it or they're found guilty?

6 PROSPECTIVE JUROR KAEWIN: No.

7 THE COURT: So you're willing to give  
8 Mr. Norton the presumption of innocence?

9 PROSPECTIVE JUROR KAEWIN: Yes.

10 THE COURT: Okay. Thank you, Ms. Kaelin.

11 Who else?

12 (Prospective jurors raise hands.)

13 THE COURT: Ms. Langford.

14 PROSPECTIVE JUROR LANGFORD: My dad had felony drug  
15 charges against him in the late 90s and served a few months in  
16 prison. I'm not sure where the charges were out of. I know a  
17 lot of it was in Grady County.

18 THE COURT: Thank you.

19 Ms. Coffelt.

20 PROSPECTIVE JUROR COFFELT: My brother, in 2009, was  
21 put in jail. He was convicted of sex crimes against a minor.  
22 And he is still in jail serving his time.

23 THE COURT: Were you living in the same household as  
24 he was at the time?

25 PROSPECTIVE JUROR COFFELT: No. I was married and

1 gone, so.

2 THE COURT: Did you know if he was found guilty after  
3 a jury trial or --

4 PROSPECTIVE JUROR COFFELT: No, he admitted to guilt.  
5 There was no jury trial. He pleaded guilty.

6 THE COURT: What was his punishment again?

7 PROSPECTIVE JUROR COFFELT: He got 27 years, 10  
8 suspended. So he should be getting out next year with good  
9 behavior, with his 15 and a half.

10 THE COURT: How do you feel about that sentence?

11 PROSPECTIVE JUROR COFFELT: We've talked about it a  
12 lot actually, me and him. And I agree with what happened to  
13 him. He deserved to be in jail and -- yeah. So even though  
14 it's my brother, he deserves to be where he's at and he  
15 understands he deserves to be where he's at too.

16 THE COURT: Okay. Thank you, Ms. Coffelt.

17 Mr. Hill?

18 PROSPECTIVE JUROR HILL: Where do I start also. I  
19 have a handful of friends, former and current, drug possession,  
20 weapon possession. My half brother had shaken his baby to  
21 death five years ago -- seven years ago. Cousins, every  
22 singling cousin went to jail for prostitution or child  
23 endangerment, neglect. We have -- yeah, that's about it.

24 THE COURT: Mr. Hill, are you the black sheep of the  
25 family?

1 PROSPECTIVE JUROR HILL: I very much am, yes.

2 THE COURT: How do those experiences affect your  
3 ability to sit as a juror in this case?

4 PROSPECTIVE JUROR HILL: I don't think it has.

5 I mean, whether you know about -- whether you agree with the  
6 law or not, you know the rules, and if you break them, you know  
7 the consequences.

8 THE COURT: Okay. Thank you for sharing that  
9 information, Mr. Hill.

10 Did I miss anybody?

11 (No response from the prospective jurors.)

12 THE COURT: Okay. Please raise your hand if you've  
13 been victims of a crime.

14 (Prospective jurors raise hands.)

15 THE COURT: All right. Mr. Smith, we'll start with  
16 you.

17 PROSPECTIVE JUROR SMITH: Just burglary.

18 THE COURT: Okay. How long ago was that?

19 PROSPECTIVE JUROR SMITH: 1995.

20 THE COURT: Okay. Who else has been the victim of a  
21 crime?

22 (Prospective jurors raise hands.)

23 THE COURT: Behind Mr. Wade. Back to Mr. Wade. We  
24 haven't heard from Mr. Wade much today, so.

25 PROSPECTIVE JUROR WADE: Working in retail for 27

1 years, I deal with theft every single day. It's just part of  
2 the business.

3 THE COURT: How much of that gets actually  
4 prosecuted?

5 PROSPECTIVE JUROR WADE: Unfortunately, not near  
6 enough.

7 THE COURT: Yeah.

8 PROSPECTIVE JUROR WADE: Working in a meat  
9 department, we deal with meat theft daily.

10 THE COURT: Meat theft, huh?

11 PROSPECTIVE JUROR WADE: Yes. It would blow your  
12 mind. Actually, it's pretty common to steal it, resell it to  
13 restaurants, bars, grills, places like that and then probably  
14 drug money.

15 THE COURT: Is that modern day cattle rustling maybe?

16 PROSPECTIVE JUROR WADE: Give or take it is.

17 THE COURT: Thank you, Mr. Wade. It's interesting.

18 PROSPECTIVE JUROR MARINO: When I was a child our  
19 house was broke into, burglarized. And also about seven years  
20 ago our trailer was stolen right out in front of our house.

21 THE COURT: All right. When you were a child and you  
22 were burglarized, did you happen to be home at the time?

23 PROSPECTIVE JUROR MARINO: No. Luckily, we had just  
24 gotten home from school.

25 THE COURT: Okay. Thank you, Ms. Marino.

1 Who else on the upper two rows?

2 (Prospective jurors raise hands.)

3 THE COURT: Ms. Ray -- yeah, you can go ahead Mr.  
4 Dotson.

5 PROSPECTIVE JUROR DOTSON: I've had two motorcycles  
6 stolen and a beautiful Yugoslavian SKS rifle.

7 THE COURT: Did you ever recover the rifle?

8 PROSPECTIVE JUROR DOTSON: No. No. I still weep for  
9 that one.

10 THE COURT: Did you enlist law enforcement to help  
11 you?

12 PROSPECTIVE JUROR DOTSON: Yes, sir. And it  
13 is -- I gave them the serial numberer and everything.  
14 So it's on record as being stolen.

15 THE COURT: All right. Thank you, Mr. Dotson. Sorry  
16 to hear about your SKS.

17 PROSPECTIVE JUROR RAY: I've been a victim of theft  
18 on multiple occasions. One was where it went to court and the  
19 bank took them to court for stealing my bank card. They caught  
20 them because they went to the ATM, got pictures of them using  
21 my card. And I had to go and validate that I had no clue who  
22 this person was using my card.

23 I've also had where somebody had broken into my  
24 storage unit, emptied my storage unit and sold off everything  
25 in it and had gotten caught -- they had gotten previously

1       caught for distribution of amounts of drugs, because they had  
2       sold all my things to get drugs. And they only caught him  
3       because he had my notary stamp on him, so.

4                 THE COURT: Wow.

5                 PROSPECTIVE JUROR RAY: It was very interesting.

6                 THE COURT: And were those crimes investigated by  
7       Norman or Oklahoma City?

8                 PROSPECTIVE JUROR RAY: They were both in Ada,  
9       Oklahoma.

10                THE COURT: Ada, okay. All right. Thank you,  
11       Ms. Ray.

12                Anybody else?

13                (No response from the prospective jurors.)

14                THE COURT: Okay. Do any of you have close friends  
15       or relatives who have ever been victims of a serious crime?

16                (Prospective juror raises hand.)

17                THE COURT: Yes. Mr. Smith down here.

18                PROSPECTIVE JUROR SMITH: My ex-brother-in-law was  
19       assaulted outside of a bar in Tulsa and later died of a brain  
20       injury.

21                THE COURT: All right. Was there ever anyone charged  
22       with that crime?

23                PROSPECTIVE JUROR SMITH: Charged, but I do not know  
24       if he was ever convicted.

25                THE COURT: Okay. Were you satisfied with how the

1 state or law enforcement dealt with that?

2 PROSPECTIVE JUROR SMITH: Yeah. We got divorced so I  
3 don't know -- did not follow up on it.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR SMITH: I don't know what -- I  
6 mean, with the defendant, I don't know what the outcome was.

7 THE COURT: Okay. All right. Thank you.

8 Did I miss anybody on those questions?

9 (No response by the prospective jurors.)

10 THE COURT: I'm going to instruct you on the law and  
11 the rules by which a jury reaches a verdict.

12 Your duty as jurors is to accept and follow the law as included  
13 in the instructions and rules given to you by me. I'll give  
14 those to you at the conclusion of the evidence.

15 If you are selected has a juror, will each of you  
16 accept and follow the laws included in the instructions and the  
17 rules that I give to you?

18 (Prospective jurors indicating in the affirmative.)

19 THE COURT: Can each of you do that? Please raise  
20 your hand if you have a concern or feel like you can't do that.

21 (No response from the prospective jurors.)

22 THE COURT: Okay. You understand that there may be  
23 an instruction I give you that is a law maybe you don't agree  
24 with, but this is not the place to register your dissent? You  
25 go see a legislator if you don't like the law.

1           One instruction I will give you is that the defendant  
2 is presumed innocent of the crime charged, and the presumption  
3 continues unless after consideration of all the evidence you  
4 are convinced of his guilt beyond a reasonable doubt.

5           The State has the burden of proving -- of presenting  
6 the evidence that establishes the guilt of the defendant beyond  
7 a reasonable doubt. The defendant must be found not guilty  
8 unless the State produces evidence which convinces you beyond a  
9 reasonable doubt of each element of the crimes charged.

10          If selected as a juror, will each of you presume the  
11 defendant innocent unless proven guilty beyond a reasonable  
12 doubt? Would you please indicate by nodding your head?

13          (Prospective jurors indicating in the affirmative.)

14          THE COURT: All right. I'm seeing all the heads  
15 nodding. Thank you.

16          Another instruction I will give you is that as  
17 jurors, if you find the defendant guilty, you'll have the duty  
18 to assess punishment. The punishment for the crime of Count I,  
19 lewd or indecent acts to a child under 16, is a possible  
20 punishment of a term in the state penitentiary for not less  
21 than three years, nor more than 20 years or not less than 25  
22 years. I'll repeat that.

23          Not less than three years, nor more than 20 years, or  
24 not less than 25 years.

25          For Count II, which is also lewd or indecent acts to

1       a child under 16, again, the range of punishment is not less  
2       than three years, nor more than 20 years or not less than 25  
3       years.

4                 If you're selected has a juror and you find the  
5       defendant guilty, will each of you assess punishment in  
6       accordance with the law? Can you please nod your head if you  
7       can do that?

8                 (Prospective jurors indicating in the affirmative.)

9                 THE COURT: Is there anybody that has a problem with  
10      that?

11                 (No response from the prospective jurors.)

12                 THE COURT: Now, I know I've given you these numbers.  
13       You're going to hear these again and you'll have a chance to  
14       write them down. And I imagine the State and the defense will  
15       give you a little more elaboration on those sentencing options.

16                 Do any of you know of any reason why you could not be  
17       a fair and impartial juror in addition to what you've already  
18       told me?

19                 (No response from the prospective jurors.)

20                 THE COURT: Okay. At this time, I'm going to dismiss  
21       you for lunch. We're gong to come back here at 1:30. And I  
22       appreciate that you were all back. I'm guessing you were all  
23       back at the right time, even though you were waiting on me.  
24       But I would like to start right at 1:30. So I can't start  
25       until everybody's here, even the folks out there. So don't be

1 the one person we're waiting for.

2           Remember to allow yourselves time to get through the  
3 security. Also, I will tell you that I don't plan on leaving  
4 today until a jury is selected. We may go past 5:00. So  
5 please make arrangements if there's a kid that needs to be  
6 picked up or whatever.

7           We're going to do our best, but -- I'm done asking  
8 questions, but the State and the defendant both have an  
9 opportunity to ask you questions too. So just so you can plan  
10 ahead. Please remember where your seats are.

11          And again, my admonition, do not use internet to look  
12 up anything about this case. Also, I didn't say this before,  
13 do not broadcast on your social media that you're a juror or  
14 you might be a juror. Because I don't want people to be  
15 contacting you who might think they know something about it.  
16 So please keep that private.

17          If there's nothing else, you'll be excused. Also,  
18 please know the doors to this courtroom automatically are  
19 locked between 12:00 and 1:00. So just keep that in mind. But  
20 we'll see you back here at 1:30.

21          Ms. Ray.

22          PROSPECTIVE JUROR RAY: I was going to find out if --  
23 when will we get that letter for work of what's going on?

24          THE BAILIFF: The clerk's office.

25          THE COURT: The court clerk's office will have that.

1 Thank you.

2 (Recess was had.)

3 THE COURT: Okay. Thank you all for getting back so  
4 quickly and on time. At this time, I'm going to call upon the  
5 State to conduct its voir dire.

6 MS. WHATLEY: Thank you, your Honor.

7 Can everybody hear me okay? I've never really needed  
8 the microphone. But if anybody at any time can't hear me, just  
9 let me know and I'll try to pull that over, but I don't want to  
10 blast anybody out. So that's for your benefit.

11 My name is Jacobi Whatley. If you didn't catch my  
12 name, again, that's Jacobi Whatley. And along with Jennifer  
13 Austin, I represent the State of Oklahoma in this case. We  
14 work for Greg Mashburn.

15 Couple of things that I want to talk to you about  
16 just in the very beginning before I start to ask you some more  
17 particular specific questions as it relates to this particular  
18 case. This is the only time that we get to ask you questions  
19 and you get to respond to those questions.

20 After we pick a jury, that part is over. After we  
21 pick who we're going to have -- we get to ask you questions,  
22 the defense attorneys get to ask you questions, and then we  
23 seat a jury, we do an opening statement, and then we proceed  
24 with the evidence.

25 And so then you get to sit and hear testimony and you

1 get to see exhibits, and all of those things. And then you  
2 hear arguments from us. But that's it. This is the only time  
3 there's any sort of back and forth.

4 And so this part of the trial is probably not as  
5 exciting, and maybe it's even a little bit boring for you, and  
6 I'm sorry for that. But this is the only time that we get to  
7 talk to you.

8 So we really have to ask questions sometimes that may  
9 seem personal. They may seem invasive and I apologize in  
10 advance. We're not trying to be that way. And it especially  
11 may seem this way because of the subject matter that this trial  
12 has to do with. Because this is a trial about sexual abuse of  
13 a child.

14 So if at any time I ask you a question -- and this  
15 goes for any questions the defense attorneys ask you either --  
16 if you're uncomfortable answering that questions, it's totally  
17 okay to say, you know, I would like to answer that question in  
18 private. That's okay. Let me know that. Certainly none of  
19 these questions are meant to embarrass anybody.

20 The reason that we ask these questions is so that we  
21 can get the 12, and then we will be seating some alternates as  
22 well. But the 12 most fair and impartial jurors for this case.

23 Judge Balkman talked about this in the  
24 beginning when he spoke to each of you about how, you know, if  
25 this had something to do with cats, you know, he probably

1 wouldn't be a good juror. I'm going to say a little bit about  
2 that. There might be some of you who this just might not be a  
3 good case for you, right.

4 And so you might be a good juror for another case,  
5 but maybe it's just not this case. So that's kind of what  
6 these questions are meant to determine, is who's going to be  
7 fair -- 12 best fair and impartial jurors for this case.

8 So a couple of housekeeping matters that I always  
9 like to talk to each of you about in the very beginning, every  
10 time I do this, is cell phone and laptop use. I don't have a  
11 laptop out with me today because I'm sitting here talking to  
12 you. That would be kind of weird if I had a laptop up here.

13 But during the course of the trial I'll have a  
14 laptop, Ms. Austin, she's not as technology advanced as me --  
15 technological advanced. So she will not have a laptop, okay.  
16 But I will be the person with a laptop. I don't know what  
17 Mr. Nedwick does. But I will have a laptop during the course  
18 of this case.

19 We will also -- you've probably already seen us this  
20 morning out -- and this afternoon with our cell phones. There  
21 are a lot of things that we have to coordinate with our staff  
22 members in our office as it relates to witnesses who have to be  
23 here at specific times and the coordination of things that have  
24 to do with the flow of the case.

25 And so I can assure you neither one of us are over

1 there playing Candy Crush. We're not over there on Facebook or  
2 Snapchat. Ms. Austin and I are not even -- we're not young  
3 enough to have Snapchat. We don't have that. So we're not  
4 doing anything like that. Same goes for Mr. Douglas and  
5 Mr. Nedwick.

6 I would say that there's sometimes things they have  
7 to be doing because they own practices outside of what they're  
8 doing here. So their attention is on this, but sometimes  
9 there's things that have to be taken care of on the phone. So  
10 just to kind of let you know that. Nobody's doing anything  
11 that they shouldn't be doing on their phones.

12 Another thing that I always like to mention to you,  
13 if you've seen any of us in the hall so far -- and I can't  
14 remember if Judge Balkman went over this or not already, but  
15 I'm going to tell you right now. If we seem rude or we seem  
16 like we're not friendly. That is purposeful, okay?

17 We don't even -- if you see us in the hall, I try not  
18 to even look you in the eye, because we don't want there to  
19 even be an appearance that there is anything going on between  
20 one of the attorneys and one of the potential jury members, and  
21 also if you're a potential juror.

22 So a lot of times I'll see you and I'll have my head  
23 down, I'll be walking the other way or I'll walk up the stairs  
24 or I'll wait and get on another elevator.

25 Same thing goes for the other defense attorneys. It's not

1 because we're trying to be hateful or rude.

2 We just -- you know, what that would look like if  
3 Mr. Nedwick saw me and I said, Hey, the bathroom is this way.  
4 Well, he can't hear what that conversation was, right. So we  
5 just don't want there to ever be any sort of appearance that  
6 something is going on that shouldn't be going on.

7 So it's not that we're rude people. I promise you we  
8 are very pleasant people. It's just that we don't want there  
9 to be anything that looks like there's something going on that  
10 shouldn't be.

11 There are a couple of you who answered  
12 questions as it related to in the very beginning about whether  
13 you had children and things like that. And a couple of you --  
14 either you said it and I didn't hear it -- like I didn't catch  
15 it. And so I want to kind of circle back before I start asking  
16 you additional questions. And a couple of follow-up questions  
17 as it relates to a couple of things that you said.

18 Let's see. Mr. Grogan, did you comment on whether  
19 you had kids or not?

20 PROSPECTIVE JUROR GROGAN: Yes. I have a 16-year-old  
21 daughter.

22 MS. WHATLEY: Okay. One 16-year-old daughter. Okay.  
23 And then same question for Mr. Smith.

24 PROSPECTIVE JUROR SMITH: No children.

25 MS. WHATLEY: No children. Okay.

1           And then Mr. Wade?

2           PROSPECTIVE JUROR WADE: No kids.

3           MS. WHATLEY: Okay. And then Mr. -- or  
4 Ms. Corrales, I didn't catch what you did for employment.

5           PROSPECTIVE JUROR CORRALES: I work for Cameron, a  
6 Schlumberger company.

7           MS. WHATLEY: A company owned by Schlumberger, the  
8 oil company?

9           PROSPECTIVE JUROR CORRALES: Yes, ma'am.

10          MS. WHATLEY: What do you do for them?

11          PROSPECTIVE JUROR CORRALES: I work in quality  
12 assurance.

13          MS. WHATLEY: Okay.

14          And then Mr. Carmichael, question about kids to  
15 Mr. Carmichael.

16          PROSPECTIVE JUROR CARMICHAEL: I have one 35-year-old  
17 son.

18          MS. WHATLEY: Okay. And what does he do?

19          PROSPECTIVE JUROR CARMICHAEL: He's I guess in  
20 manufacturing. They recycle cloth for businesses that cut  
21 steel and stuff like that.

22          MS. WHATLEY: Okay.

23          And then honestly, out of curiosity, Mr. Givel?

24          PROSPECTIVE JUROR JILGE: Jilge.

25          MS. WHATLEY: No, Mr. Givel, right here (indicating),

1 I think. I remember how to pronounce that.

2 Did you say -- you said something about the lawsuit  
3 -- the constitutionality a specific house bill. And you said  
4 the number, and I didn't write down the number, but it doesn't  
5 matter. I wouldn't know what that was so I thought you would  
6 know what that was.

7 PROSPECTIVE JUROR GIVEL: House Bill 1775.

8 MS. WHATLEY: Okay. What specific bill did that have  
9 to do with?

10 PROSPECTIVE JUROR GIVEL: Divisive concepts --

11 COURT REPORTER: I can't hear.

12 MS. WHATLEY: We're going to get the microphone for  
13 you.

14 PROSPECTIVE JUROR GIVEL: It's about the  
15 constitutionality, academic freedom First Amendment issues  
16 regarding HB 1775. And part of it targets or has to do with  
17 higher ed. And so this is about academic freedom.

18 MS. WHATLEY: Okay. So like First Amendment issues  
19 as it relates to higher -- higher education?

20 PROSPECTIVE JUROR GIVEL: In part. I mean, First  
21 Amendment and academic freedom are somewhat different things in  
22 a college classroom, but yes.

23 MS. WHATLEY: That helps me. Because you say a  
24 number and I'm like -- to be honest with you, I don't memorize  
25 house bills by numbers. That's way too many things for me to

1 have to remember. So I appreciate that.

2 And then just because I want to make sure that Jami  
3 gets all her steps in today, I'm going to go to  
4 Mr. Hill in the back for a second.

5 Mr. Hill, you talked about specifically I think you  
6 said it was a cousin that had had a case where -- something to  
7 do with a baby dead or shaken baby. Do  
8 you -- what county was that in?

9 PROSPECTIVE JUROR HILL: Oklahoma County.

10 MS. WHATLEY: And what was the -- I'm assuming  
11 charges were filed?

12 PROSPECTIVE JUROR HILL: Yes. It was my half  
13 brother. The incident happened in 2012. He's convicted for 40  
14 years or something like that.

15 MS. WHATLEY: What was his name?

16 PROSPECTIVE JUROR HILL: Charles Whitlow.

17 MS. WHATLEY: Okay. Whitlow. All right. That helps  
18 me. Okay. I appreciate that.

19 Let's see. I'm just going to start off by kind of a  
20 show of hands. And then if I don't get any volunteers, I'm  
21 going to start picking on people. But who here has ever been  
22 involved in like -- I'm going to stay like a traumatic  
23 situation? But what I mean by that is like -- like a car  
24 accident.

25 Like I was involved in a car accident like a month

1 ago. I had a semi hit me on I-35, rear ended me. Very scary.  
2 I'm fine, obviously. I'm alive. But has anybody ever been  
3 involved in like a car accident or something like that?

4 (Prospective jurors raise hands.)

5 MS. WHATLEY: Let's go with Mr. Jilge.

6 PROSPECTIVE JUROR JILGE: Yes. When I was -- two  
7 within about an eight-month period when I was 18.

8 MS. WHATLEY: Okay.

9 PROSPECTIVE JUROR JILGE: First one was a rollover in  
10 eastern Norman on Anderson Road. I rolled a 76 K5 Blazer six  
11 times and walked away. And about eight months later, I was hit  
12 broadside by an elderly man that ran a stop sign at about  
13 80-miles an hour in Midwest City. Was able to walk away from  
14 both of those, luckily, without major injuries.

15 MS. WHATLEY: So those were both when you were 18?

16 PROSPECTIVE JUROR JILGE: Uh-huh.

17 MS. WHATLEY: Okay. Did you -- the first one, the  
18 rollover one, were you the only -- was it a single vehicle  
19 accident?

20 PROSPECTIVE JUROR JILGE: Yes.

21 MS. WHATLEY: Okay. Do you remember -- you obviously  
22 remember how old you were. Do you remember what time of year  
23 it happened?

24 PROSPECTIVE JUROR JILGE: Yeah. It was later fall.

25 MS. WHATLEY: Okay. Do you remember the exact date

1       that it happened?

2                   PROSPECTIVE JUROR JILGE: No. I mean, I know the --  
3       I know the reason I was there and all of that, but not the  
4       exact date.

5                   MS. WHATLEY: Okay. Do you remember what clothes you  
6       were wearing?

7                   PROSPECTIVE JUROR JILGE: Just shorts and a T-shirt.

8                   MS. WHATLEY: But not the specifics?

9                   PROSPECTIVE JUROR JILGE: No.

10                  MS. WHATLEY: Do you remember what color shirt you  
11      were wearing?

12                  PROSPECTIVE JUROR JILGE: No. But I can tell you  
13      Bush was playing on the radio upside down as I shut the engine  
14      off.

15                  MS. WHATLEY: What song?

16                  PROSPECTIVE JUROR JILGE: It was -- oh, my God, I  
17      knew you were going to ask that. I'm drawing a mind blank at  
18      the moment.

19                  MS. WHATLEY: You'll remember it when I go to someone  
20      else. And I am curious about that. So if you think about it,  
21      pass the microphone back because I want to know.

22                  So Bush is playing on the radio. You don't remember  
23      what color clothes you're wearing, but you know it's shorts and  
24      a T-shirt. Do you remember what kind of shoes you were  
25      wearing?

1 PROSPECTIVE JUROR JILGE: I was wearing some Nike  
2 tennis shoes.

3 MS. WHATLEY: Do you remember if they were like Air  
4 Force 1s?

5 PROSPECTIVE JUROR JILGE: No. They were just regular  
6 Nikes.

7 MS. WHATLEY: Okay. You said Nikes, but not like --

8 PROSPECTIVE JUROR JILGE: Not like a --

9 MS. WHATLEY: -- a particular type?

10 PROSPECTIVE JUROR JILGE: No.

11 MS. WHATLEY: Do you remember kind of like what the  
12 weather was like outside?

13 PROSPECTIVE JUROR JILGE: It was sunny, warm.  
14 Probably mid 70s.

15 MS. WHATLEY: Do you remember -- like do you remember  
16 -- could you tell me like in sequence what happened with the  
17 crash?

18 PROSPECTIVE JUROR JILGE: Yep. Earlier that day, my  
19 dad had actually called the school because this was pre-cell  
20 phones.

21 MS. WHATLEY: So you're kind of telling us how old  
22 you are now.

23 PROSPECTIVE JUROR JILGE: Yeah. I was --

24 MS. WHATLEY: Dating yourself a bit.

25 PROSPECTIVE JUROR JILGE: Analogue childhood, digital

1 adulthood. He called and asked me to pick up my brother. My  
2 brother lived with my mom out here by Thunderbird Lake. And I  
3 was going to school in Choctaw, because I was wanting to go to  
4 Eastern Oklahoma County Vo-tech at the time.

5 So I went, lived with him. My brother lived with my  
6 mom. And he asked if I would pick my brother up for the  
7 weekend. And asked me to take the backseat out of the blazer  
8 so I could haul our go-cart home. So I did those things.

9 Had a flat along the way. So I put the spare on.  
10 The spare was a slightly different size than the rest of the  
11 tires on a lifted four-wheel drive vehicle. Was cruising up  
12 Anderson Road, was not speeding, and the spare tire actually  
13 blew off the rim and lodged inside the fender well blocking the  
14 steering where I couldn't move it.

15 It started pulling me into the oncoming lane. There  
16 was a -- I believe it was an F-350. It was a large Ford  
17 one-ton truck coming at me. I jerked the wheel.  
18 When I did, the wheel bit the asphalt. It slung me sideways  
19 and I hit the ditch, rolled five times sideways.

20 MS. WHATLEY: Do you -- like do you know what time it  
21 was when you changed the tire?

22 PROSPECTIVE JUROR JILGE: It was right after school.  
23 So I would say probably 2:45-ish, 3:00, right around in there.

24 MS. WHATLEY: Okay. Do you know -- you said it was a  
25 larger truck, that you had to kind of like swerve.

1       Do you remember what -- the color the truck?

2                   PROSPECTIVE JUROR JILGE: It was red.

3                   MS. WHATLEY: Do you remember the make?

4                   PROSPECTIVE JUROR JILGE: It was a Ford. Like I  
5 said, it was a one-ton. It was a big truck.

6                   MS. WHATLEY: And then do you remember the first  
7 thing you did after the accident?

8                   PROSPECTIVE JUROR JILGE: Still in the vehicle or out  
9 of the vehicle?

10                  MS. WHATLEY: Still in the vehicle.

11                  PROSPECTIVE JUROR JILGE: Yes. I remember thinking  
12 the engine was still running, and my dad will kill me if I blow  
13 this engine up. I had no idea I totaled this vehicle and so I  
14 shut the engine off. Luckily, I was able to crawl out the back  
15 of the vehicle, because I had removed the seat so we could haul  
16 the go-cart home. And I actually crawled out -- we had a  
17 fiberglass top in the back half, so I crawled out from under  
18 what pieces of it was left from the wreck underneath the roll  
19 cage.

20                  MS. WHATLEY: Was the go-cart still in the back?

21                  PROSPECTIVE JUROR JILGE: No, I hadn't picked it up  
22 yet. My brother was not with me yet.

23                  MS. WHATLEY: On your way to get brother?

24                  PROSPECTIVE JUROR JILGE: Uh-huh. On my way to get  
25 my brother.

1 MS. WHATLEY: And then six months later, you have  
2 another accident?

3 PROSPECTIVE JUROR JILGE: Uh-huh.

4 MS. WHATLEY: Okay. I'm going to put a pin in that  
5 for a second, Mr. Jilge.

6 Is there another -- who else had their hand up for an  
7 accident?

8 (Prospective jurors raise hands.)

9 MS. WHATLEY: So I don't want to make anybody walk a  
10 whole lot. Is that Mr. Carmichael?

11 PROSPECTIVE JUROR CARMICHAEL: Yes.

12 MS. WHATLEY: You had your hand up. Do you believe  
13 that Mr. Jilge was in a car accident?

14 PROSPECTIVE JUROR CARMICHAEL: Yes.

15 MS. WHATLEY: You do?

16 PROSPECTIVE JUROR CARMICHAEL: Yes.

17 MS. WHATLEY: Why do you believe he was in a car  
18 accident?

19 PROSPECTIVE JUROR CARMICHAEL: He just explained it  
20 to us.

21 MS. WHATLEY: But he didn't know what color shorts he  
22 had on.

23 PROSPECTIVE JUROR CARMICHAEL: I wouldn't know what  
24 color shorts I would have had on.

25 MS. WHATLEY: But he also didn't know what color

1 shirt he had on.

2 PROSPECTIVE JUROR CARMICHAEL: It could have been a  
3 Bush Two shirt.

4 MS. WHATLEY: But, Mr. Carmichael, he didn't even  
5 know what was on the radio. He didn't even know the specific  
6 song.

7 PROSPECTIVE JUROR CARMICHAEL: That's something  
8 that's just depends on how -- what the situation was when he  
9 was trying to get himself out of the vehicle and wasn't even  
10 thinking about it.

11 MS. WHATLEY: But he couldn't even tell us the  
12 specific date that it happened on.

13 PROSPECTIVE JUROR JILGE: No, he couldn't.

14 MS. WHATLEY: Yeah. But you still think it happened?  
15 You still believe him?

16 PROSPECTIVE JUROR CARMICHAEL: Yeah. Yeah.

17 MS. WHATLEY: Why is that?

18 PROSPECTIVE JUROR CARMICHAEL: He was pretty intent  
19 on everything else that happened. He knew that he was going to  
20 get his brother. He had to get the backseat out of the vehicle  
21 and -- to get a go-cart. He was going -- he told how the tire  
22 came off or changed the tire and put a different size wheel and  
23 tire on and screwed it up. And locked it up.

24 MS. WHATLEY: All right.

25 PROSPECTIVE JUROR CARMICHAEL: I can see that

1 happening.

2 MS. WHATLEY: So you believe him even though he  
3 doesn't know some of those other details?

4 PROSPECTIVE JUROR CARMICHAEL: Yeah.

5 MS. WHATLEY: Does anybody here not believe that  
6 Mr. Jilge was in a car accident?

7 (No response from the prospective jurors.)

8 MS. WHATLEY: No? Nobody? Okay. Do you think that  
9 sometimes some of those smaller details can be a little bit  
10 more difficult to remember, Mr. Carmichael?

11 PROSPECTIVE JUROR CARMICHAEL: Yes.

12 MS. WHATLEY: Why do you think that is?

13 PROSPECTIVE JUROR CARMICHAEL: Your mind's on other  
14 things when it happens.

15 MS. WHATLEY: How do you think that's impacted,  
16 Mr. Carmichael, by like what's happening to you? Like how is  
17 your memory impacted by what's happening to you at the time?

18 PROSPECTIVE JUROR CARMICHAEL: Really it slows down.  
19 I know in my instance it was slow motion. It just -- boom,  
20 boom, boom. And it just goes slow. And mainly, you're  
21 involved -- moving yourself and getting yourself out of harm's  
22 way.

23 MS. WHATLEY: Yeah. Do you -- in your accident that  
24 you were in, do you know if the radio was on or not?

25 PROSPECTIVE JUROR CARMICHAEL: It was on.

1 MS. WHATLEY: Do you remember what song was on the  
2 radio?

3 PROSPECTIVE JUROR CARMICHAEL: No.

4 MS. WHATLEY: Okay. Do you know why that is?

5 PROSPECTIVE JUROR CARMICHAEL: No. It was icy out.

6 MS. WHATLEY: It was what?

7 PROSPECTIVE JUROR CARMICHAEL: Icy. It was icy out.  
8 So I was mainly messing with the defroster.

9 MS. WHATLEY: It was icy outside. Okay. I was like  
10 is that some kind of like music. I was like, hold on, I don't  
11 think I've ever heard of this band named IC. Not sure about  
12 that.

13 Okay. And so probably, too, when you're in an  
14 accident or something traumatic is going on, you're -- I mean,  
15 at the time, you're probably not focused on what song it is,  
16 right?

17 PROSPECTIVE JUROR CARMICHAEL: Right.

18 MS. WHATLEY: You're just trying to steer into it or  
19 kind of get off the road. At least that's what I was trying to  
20 do.

21 PROSPECTIVE JUROR CARMICHAEL: Yeah.

22 MS. WHATLEY: All right. Thank you.

23 So I want to talk for a second, because you've heard  
24 a little bit today about -- that this defendant, Mr. Norton, is  
25 charged with a crime of lewd acts with a child under the age of

1 16.

2 And we've talked a little bit about it, but I'm just  
3 going to -- I'm going to go into more depth right now and tell  
4 you that the way that we prove our case, right -- I mean, how  
5 many people are familiar with like crime shows?

6 (Prospective jurors raise hands.)

7 MS. WHATLEY: They're still pretty popular, right.  
8 What are some of the popular ones? Like I don't watch any of  
9 them, and I'll tell you why in a second.

10 But what -- show of hands, who watches them?

11 (Prospective jurors raise hands.)

12 MS. WHATLEY: Okay. Ms. Ray, which ones do you  
13 watch?

14 PROSPECTIVE JUROR RAY: SVU, NCIS, CSI.

15 MS. WHATLEY: Are any of those -- are any of the ones  
16 that you watch -- I guess SVU would sort of kind of focus on  
17 the court process. The NCIS probably not as much. It's more  
18 about the investigation, right?

19 PROSPECTIVE JUROR RAY: Yes.

20 MS. WHATLEY: Okay. But on like the SVU ones,  
21 there's a little bit of focus on the courtroom, correct?

22 PROSPECTIVE JUROR RAY: Uh-huh.

23 MS. WHATLEY: I haven't watched them in a long time,  
24 but if memory serves me correct.

25 PROSPECTIVE JUROR RAY: (Indicating in the

1 affirmative.)

2 MS. WHATLEY: Okay. So obviously, this courtroom is  
3 not going to be like the TV shows and SVU. Maybe a little bit.  
4 You know, maybe not as entertaining. But the way that we prove  
5 our case in real life is through evidence. And evidence can be  
6 a couple of different things.

7 Evidence is testimony from the witness stand. And  
8 whenever you get in here tomorrow, if you're chosen as a juror  
9 in this case, this will kind of be moved. This is our witness  
10 stand. And it will be moved more kind of like this  
11 (indicating) to where you can actually see the witness in the  
12 witness stand.

13 And so the witness will sit right here and will give  
14 testimony. And testimony is evidence. And so that's one way  
15 that you will get evidence in the case.

16 The other -- the other way is if the parties agree to  
17 like a stipulation. So there could be some sort of  
18 stipulation. And then the other way is like exhibits. And so  
19 those are like photographs, or videos, or things of that  
20 nature. That's what evidence is. Those are kind of the three  
21 ways that you can get evidence in a case.

22 Ms. McIntire, do you -- since now we talked a little  
23 bit about the three types of evidence, do you believe the  
24 Stated could prove their case through only one type of  
25 evidence?

1 PROSPECTIVE JUROR MCINTIRE: No.

2 MS. WHATLEY: Why is that?

3 PROSPECTIVE JUROR MCINTIRE: Because you just said it  
4 could can be presented in multiple ways.

5 MS. WHATLEY: Right. Can be. Can be.

6 PROSPECTIVE JUROR MCINTIRE: So what's the question?

7 MS. WHATLEY: Yeah. So do you think that it's  
8 possible for the State of Oklahoma to present their case with  
9 only one type of evidence?

10 PROSPECTIVE JUROR MCINTIRE: I guess.

11 MS. WHATLEY: Sure.

12 PROSPECTIVE JUROR MCINTIRE: Yeah.

13 MS. WHATLEY: Right. It's possible. So it's  
14 possible for somebody to stand -- to stand -- they're not going  
15 to be standing. They're going to be sitting on the stand.

16 They're going to be sitting in the witness chair and  
17 they're going to be testifying. And so possible to prove a  
18 case through testimony alone?

19 PROSPECTIVE JUROR MCINTIRE: I would think it's  
20 probably possible. However, it would be more convincing if  
21 there was additional evidence.

22 MS. WHATLEY: Okay. Did you believe Mr. Jilge when  
23 he said that he had been in a car accident?

24 PROSPECTIVE JUROR MCINTIRE: I did.

25 MS. WHATLEY: Okay. And what type of evidence would

1 that have been?

2 PROSPECTIVE JUROR MCINTIRE: Just his account of the  
3 incident itself.

4 MS. WHATLEY: Yeah. And what about his account of  
5 the event -- what made that believable to you? I kind of asked  
6 that question of Mr. Carmichael. But why did you believe  
7 Mr. Jilge about that?

8 PROSPECTIVE JUROR MCINTIRE: Because he was there.

9 MS. WHATLEY: Okay.

10 PROSPECTIVE JUROR MCINTIRE: And he was accounting an  
11 event that occurred to him.

12 MS. WHATLEY: Okay.

13 PROSPECTIVE JUROR MCINTIRE: He doesn't have a reason  
14 to not be truthful in here.

15 MS. WHATLEY: Or none that I pointed out.

16 PROSPECTIVE JUROR MCINTIRE: Yeah.

17 MS. WHATLEY: None that were evident.

18 PROSPECTIVE JUROR MCINTIRE: Right.

19 MS. WHATLEY: Do you have reason to not be truthful,  
20 Mr. Jilge?

21 PROSPECTIVE JUROR JILGE: No. My dad still has the  
22 truck.

23 PROSPECTIVE JUROR MCINTIRE: I would like to see some  
24 pictures, but --

25 MS. WHATLEY: Probably what got me was the Bush

1 comment. I'm like, that was popular then. I don't know if I  
2 was older -- as old as Mr. Jilge, but I think we're around the  
3 same age based on some of his comments about he not having a  
4 cell phone. So I think maybe we're around the same age.

5 But what else about that account kind of? Because  
6 it's testimony alone, right. I mean, he doesn't have any  
7 pictures. This happened when you were 18.

8 PROSPECTIVE JUROR JILGE: Uh-huh.

9 MS. WHATLEY: And you are not so close to 18 anymore.  
10 Is that correct?

11 PROSPECTIVE JUROR JILGE: No.

12 MS. WHATLEY: What else about that account,  
13 Ms. McIntire -- that account by Mr. Jilge made that believable  
14 to you?

15 PROSPECTIVE JUROR MCINTIRE: I think it's normal  
16 fight or flight response when you get in a traumatic situation  
17 like that. And I think he remembered what he could from the  
18 event in that scenario. And, again, I don't think he had any  
19 reason to not be truthful.

20 MS. WHATLEY: Do you think that the passage of time  
21 affects someone's memory or their like ability to recall  
22 something?

23 PROSPECTIVE JUROR MCINTIRE: Sure. But I also feel  
24 like in traumatic events, there are certain things that stick  
25 with you that, you know, help you recall things. Maybe not

1 every tiny detail. But like the bush song on the radio, that  
2 was clearly...

3 MS. WHATLEY: He's going to think of it.

4 Before we're done today he's going to think of that specific  
5 song.

6 PROSPECTIVE JUROR MCINTIRE: He clearly knew that was  
7 playing, so.

8 MS. WHATLEY: What about you, Ms. Heath? Did you  
9 believe Mr. Jilge's account of having been in a car accident?

10 PROSPECTIVE JUROR HEATH: Yes, I did.

11 MS. WHATLEY: Why was that?

12 PROSPECTIVE JUROR HEATH: Kind of like she said. He  
13 didn't have a reason to make up those things. His story that he  
14 told kind of went in timeline order. He remembered specific  
15 details. His body language. His demeanor all presented that  
16 of confidence. And so in my opinion it was true.

17 MS. WHATLEY: Okay. What if he had presented -- like  
18 say it was a situation in which -- maybe not a car accident,  
19 but a situation in which he had been robbed. And he appeared  
20 maybe like nervous to be recounting the event. Would that have  
21 changed your opinion?

22 PROSPECTIVE JUROR HEATH: No. Because that's a  
23 different scenario. So it could have brought up the feelings  
24 that he had being robbed at the time. Those feelings could  
25 have come back.

1                   MS. WHATLEY: Okay. Just since I'm on you right now,  
2 and I don't want to make you have to -- I don't want to have to  
3 go over this again, your husband is a detective with the Norman  
4 Police Department?

5                   PROSPECTIVE JUROR HEATH: Yes.

6                   MS. WHATLEY: I know your husband and I've worked  
7 with your husband. You probably didn't know that though. Is  
8 that correct.

9                   PROSPECTIVE JUROR HEATH: No, I did not.

10                  MS. WHATLEY: You and I have never met. Is that  
11 correct?

12                  PROSPECTIVE JUROR HEATH: Correct.

13                  MS. WHATLEY: And you probably didn't even know what  
14 my name was, I assuming?

15                  PROSPECTIVE JUROR HEATH: No.

16                  MS. WHATLEY: Even though I work with your husband,  
17 you don't know me. We don't know each other personally. And  
18 nothing about the fact that I've worked with your husband on  
19 cases -- is that going to make you judge the State's case  
20 differently because your husband is a detective?

21                  PROSPECTIVE JUROR HEATH: No.

22                  MS. WHATLEY: Do you know anything about this case?

23                  PROSPECTIVE JUROR HEATH: No.

24                  MS. WHATLEY: Okay. Are you still able to be a fair  
25 and impartial juror in this case?

1 PROSPECTIVE JUROR HEATH: Yes.

2 MS. WHATLEY: Okay. Thank you, Ms. Heath.

3 Let me see. When we talk about evidence, who here,  
4 in watching some of the shows that we talk about evidence, has  
5 heard of like the shows that we talk about like SVU and -- I  
6 wish I had better examples. I just don't watch those types of  
7 shows because they're infuriating to me because they don't get  
8 things right. Same with my husband and medical shows. So we  
9 can't watch any of the shows that are on, you know, regular  
10 cable.

11 Who has heard the term direct and circumstantial  
12 evidence? Mr. Dotson, have you heard like those terms,  
13 circumstantial evidence?

14 PROSPECTIVE JUROR DOTSON: Yes, ma'am.

15 MS. WHATLEY: Do you have a -- do you have a feeling  
16 about either one of those? Like do you feel like you know like  
17 if one's better or what they mean?

18 PROSPECTIVE JUROR DOTSON: Well, for me  
19 circumstantial could be suspect on certain deals. It could be  
20 someone who looked like someone at a different place and time  
21 than someone else could be. That, I would consider  
22 circumstantial.

23 MS. WHATLEY: Okay. This is kind of -- direct  
24 evidence, I mean, honestly, just to keep it simple is exactly  
25 kind of what the name implies. Direct evidence is just direct,

1 to the point. It's testimony where a witnesses come in and  
2 they're like, you know, I saw somebody do it. That's direct  
3 evidence.

4 So circumstantial evidence is a little bit more  
5 difficult to explain. So I'll always kind of use this story  
6 about my son to explain circumstantial evidence.

7 And so my son loves, loves, loves Oreos. And he also suffers  
8 from severe food allergies. And the reason I say that is  
9 because Oreos are like our -- cookies he can actually have  
10 because it doesn't have like peanut butter or any of these  
11 other things he's allergic too.

12 And so the kid really can't have a whole lot of  
13 goodies. But Oreos, he can have. So he just, I mean, loves,  
14 loves them. But he's not allowed to have Oreos just whenever  
15 he wants, right. Ruin his dinner. He has to ask permission.  
16 All the things.

17 So several times, several times, I have been not in  
18 the kitchen and I have been cleaning, doing something else, in  
19 another room of our house, and I hear, you know, a pantry door  
20 shut. I walk in. There's like a lid off of a jar that the  
21 Oreos are in because they're in one of those like Oxo -- you  
22 know that has the lid -- the clear containers.

23 And he's standing there and there's also the -- oh,  
24 my gosh, it's like a stepladder. So the stepladder is right  
25 where you would need to like get up to the second shelf of the

1 pantry.

2 He is now sitting in the living room. So he's not by  
3 the pantry. But the lid's off of them, the ladder's there. I  
4 go into the living room and I look at him, there's like crumbs.  
5 And it's like Oreo crumbs, right. So I mean, those are very  
6 noticeable. And there's the black Oreo stuff all in his gap  
7 teeth.

8 So who here thinks that my son got into the Oreos?

9 (Prospective jurors raise hands.)

10 MS. WHATLEY: Does anybody think he did not get into  
11 the Oreos in that scenario?

12 (No response by the prospective jurors.)

13 MS. WHATLEY: But nobody saw him get into the Oreos,  
14 right? That would be circumstantial evidence, right?

15 It's facts -- it's like a chain of facts and  
16 circumstances surrounding an event that leads you to a  
17 conclusion, right? So that's what circumstantial evidence is.

18 Mr. Dotson, if Judge Balkman gives you an instruction  
19 as it relates to the appropriate way that you're to give direct  
20 and circumstantial evidence, can you follow the law that he  
21 gives you as it relates to direct and circumstantial evidence?

22 PROSPECTIVE JUROR DOTSON: Absolutely.

23 MS. WHATLEY: Okay. Let's see. When we talk about  
24 lewd acts a child under 16, and really any crime that the State  
25 of Oklahoma has to prove, we have to prove to you certain

1 elements of a crime. And this is kind of weird. I've always  
2 thought it was weird.

3 You don't get to know what those elements are before  
4 the trial. I don't get to sit here and talk to you about what  
5 these elements are. You're not going to get to know what the  
6 elements are during the trial. You only get to know what the  
7 elements are after the trial, okay?

8 It's a weird concept, but that's what the law is in  
9 the State of Oklahoma. So I can't sit here and be like, hey,  
10 guys these are what the elements are. But to kind of  
11 illustrate to you how we prove elements of a crime, I like to  
12 illustrate that with a recipe. And I've been doing this, and I  
13 always use this. I use my granny's potato soup. Okay.

14 So if you were going to make my granny's potato soup  
15 -- and yes this is a real thing because I've had jurors ask me  
16 if this is a real recipe. It absolutely is. My Granny Dolores  
17 made this for me. It is delicious and yes, this is real. So  
18 this is my granny's potato soup.

19 You have to have two potatoes, one stick of butter.  
20 Yes, one whole stick of butter. She wasn't playing around.  
21 One onion and one can of Milnot. Now, I've been doing this  
22 long enough now to know that in Cleveland County, I need to ask  
23 who does not know by a show of hands what Milnot is?

24 (Prospective jurors raise hands.)

25 MS. WHATLEY: Happens every time. So Milnot is just

1       condensed milk, okay? It's like Carnation condensed milk.  
2       Except Milnot is brand specific. And my granny was a grand  
3       loyalist to Milnot. Like, she did not use Carnation, would  
4       never use it. It had to be Milnot. So for my granny's potato  
5       soup, you have to use Milnot.

6                   So you've got two potatoes, one stick of butter, one  
7       onion, and one can of Milnot. And if you have each one of  
8       those things, then you have my granny's potato soup, okay?

9                   So Ms. Coffelt, is that --

10                  PROSPECTIVE JUROR COFFELT: Yes.

11                  MS. WHATLEY: Okay. I wanted to make sure I got the  
12       O right.

13                  If I have two potatoes, one stick of butter, one  
14       onion, have I made my granny's potato soup?

15                  PROSPECTIVE JUROR COFFELT: Yes. Wait, repeat that.  
16       You said it in a different order.

17                  MS. WHATLEY: Okay. Two potatoes, one whole stick of  
18       butter, one onion. Have I made my granny's potato soup?

19                  PROSPECTIVE JUROR COFFELT: No.

20                  MS. WHATLEY: Okay. Why have I not made my granny's  
21       potato soup?

22                  PROSPECTIVE JUROR COFFELT: Because you're missing  
23       the Milnot.

24                  MS. WHATLEY: It better be Milnot.

25                  PROSPECTIVE JUROR COFFELT: Yeah.

1                   MS. WHATLEY: That's exactly right. And I  
2 know -- you know, it's kind of silly or whatever but that's how  
3 elements to a crime are, right? That's exactly how they are.

4                   At the end of the trial, Judge Balkman's going to  
5 read to you, he's going to be like, the elements of this crime  
6 are as follows. And there will be several of them. And then  
7 you have to decide whether or not the State of Oklahoma has  
8 proved each and every one of those elements beyond a reasonable  
9 doubt, okay?

10                  And if we have, then what do you have to do?  
11 If we've proved each and every one of those elements beyond a  
12 reasonable doubt, then the defendant's guilty.

13 Do you agree with that, Ms. Coffelt?

14                  PROSPECTIVE JUROR COFFELT: Yes.

15                  MS. WHATLEY: But if we haven't, if we -- obviously  
16 this is an example, but if we didn't have the Milnot, if I  
17 didn't prove -- we didn't have that Milnot, then what would  
18 your verdict have to be?

19                  PROSPECTIVE JUROR COFFELT: Wouldn't it just have to  
20 be like a hung jury or not a hung jury, like a -- undecided?

21                  MS. WHATLEY: Or not guilty.

22                  PROSPECTIVE JUROR COFFELT: Not guilty.

23                  MS. WHATLEY: Not guilty, right? Because we didn't  
24 have everything that we needed to have to prove the elements of  
25 that, you know, crime. Obviously, we're using potato soup, but

1       we didn't have all the elements that we needed for that crime.

2           All of the elements of a crime, just like all of the  
3 ingredients for my granny's potato soup are equally important,  
4 right. All are -- you know, one's not more important than the  
5 other. And the State of Oklahoma has to prove each and every  
6 single element beyond a reasonable doubt to you, okay.

7           And that's important to point out, because that's  
8 something that the State of Oklahoma has to do, right. It's  
9 the State of Oklahoma who's brought these charges. It's the  
10 State of Oklahoma who has to prove these things to you.

11           The defendant doesn't have to do anything. His  
12 attorneys don't have to do anything, right? Anybody have a  
13 problem with that?

14           (No response by the prospective jurors.)

15           MS. WHATLEY: Maybe or maybe you think it's kind of  
16 weird?

17           (No response from the prospective jurors.)

18           MS. WHATLEY: Mr. Hubbard, what do you think about  
19 that?

20           PROSPECTIVE JUROR HUBBARD: Well, I know during the  
21 testimony and everything that's going to be given, there's  
22 going to be questions asked on both sides. So I don't think  
23 they're just going to sit there and let you prove everything.  
24 They've got to do some proving.

25           MS. WHATLEY: I think I know what you mean. So

1 defense attorney -- yes, the defense attorneys can ask  
2 questions, yes, of witnesses. They don't have to though. I  
3 mean, I don't think they would just sit there and not ask  
4 questions. I don't think they would do that. But they don't  
5 have to, I guess, is my point.

6 They can sit at that table, not call one witness, not  
7 ask one question. And if the State of Oklahoma still didn't  
8 prove each and every one of those elements, the defendant would  
9 still be not guilty. Does that make sense?

10 PROSPECTIVE JUROR HUBBARD: Yes.

11 MS. WHATLEY: Now, I'm not saying they will do that,  
12 right. But the point is, is that they don't have to do  
13 anything because we have to prove that the defendant committed  
14 the crime. Am I making sense?

15 PROSPECTIVE JUROR HUBBARD: Oh, yes.

16 MS. WHATLEY: Okay. Is there any part of that you  
17 have a problem with?

18 PROSPECTIVE JUROR HUBBARD: No. But if I was in his  
19 shoes, I would want my defense to do some questions, but no, it  
20 all makes sense.

21 MS. WHATLEY: Sure. Sure. And, again, I don't think  
22 that's something Mr. Nedwick or Mr. Douglas would ever just sit  
23 there and like take a nap or like read the newspaper. I don't  
24 think that's something that they would do. I expect they'll  
25 ask questions and do their job to the best of their ability.

1           I want to talk to you, Mr. Hubbard, for a second  
2 about what Mr. Jilge said about his car accident that he had.  
3 Did you believe that he had a car accident?

4           PROSPECTIVE JUROR HUBBARD: I believe he had a car  
5 accident. But I also believe that he's told the story so many  
6 times because it was real, he had everything in order. He knew  
7 how many times he flipped it.

8           I've been in accidents. I don't know how many times  
9 -- I don't know that much detail. Of course, I'm a lot older  
10 than he is. But he was pretty specific. But it kind of -- I  
11 don't want to say rehearsed, but he's told the story a lot of  
12 times. And now that I know his dad still has the truck, yeah,  
13 he was in an accident.

14           MS. WHATLEY: Okay. Do you -- is it something where  
15 -- you know, are you one of those people -- because I can be a  
16 person like that sometimes. It's like, man, I just really like  
17 to know the details of everything. Like I want to know  
18 everything, right. Like what color shorts were you wearing,  
19 what was that Bush song, like, you know, are you kind of one of  
20 those people?

21           PROSPECTIVE JUROR HUBBARD: If the topic interests  
22 me, yes.

23           MS. WHATLEY: Now, I'm sure my granny's potato soup  
24 doesn't interest you as much.

25           PROSPECTIVE JUROR HUBBARD: You'd be surprised.

1 MS. WHATLEY: It's so good. It's so good.

2 That whole stick of butter, man.

3 But what if you're sitting there and you're like,  
4 Ms. Whatley, I mean, we've got this and you've proven the two  
5 potatoes, the one stick of butter, the onion, and the one can  
6 of Milnot, but I was just really like -- I was really curious.

7 Is this like a red onion, a yellow onion, a white  
8 onion? I really would like to know what color onion I'm  
9 supposed to use. What would you do if you had that question?

10 PROSPECTIVE JUROR HUBBARD: I would ask it.

11 MS. WHATLEY: But you don't get to ask questions when  
12 you're a juror.

13 PROSPECTIVE JUROR HUBBARD: Well --

14 MS. WHATLEY: Darn it, right. So what do you do?

15 PROSPECTIVE JUROR HUBBARD: If I'm really interested,  
16 I would -- after everything is said and done, I would --

17 MS. WHATLEY: After the case is over.

18 PROSPECTIVE JUROR HUBBARD: Well, I was talking about  
19 the potato soup, but...

20 MS. WHATLEY: Okay. I'll talk to you about the  
21 potato soup all day long after the case is over. But what I'm  
22 getting at is if we prove to you the elements, right -- and,  
23 again, everybody, I get this is weird because I can't tell you  
24 what the elements of the crime are.

25 But if we prove the elements of the crime and I'm

1 making this up, but -- you know, about the onion and you're  
2 like they've proved this but like, I really want to know what  
3 kind of onion or in the case of Mr. Jilge in the car accident,  
4 you're like, I mean, one of the elements wasn't what color  
5 shorts he had on, but I really want to know what color shorts  
6 he had on. I'm going to find him not guilty because I want to  
7 know what color shorts he had on.

8 Do you see where that would be a problem? If it's  
9 not element. If it's not an element.

10 PROSPECTIVE JUROR HUBBARD: Oh, no.

11 MS. WHATLEY: Right. Because if it's an element,  
12 hold me to our burden. Hold the State of Oklahoma to their  
13 burden. I want each and every one of you to hold us to the  
14 burden of proving each and every element beyond a reasonable  
15 doubt, right.

16 Because those are elements that you don't know about  
17 right now, but we do, okay? So hold us to that burden.

18 But how in the world am I supposed to, as a  
19 prosecutor, know in advance 12 jurors what, like, questions  
20 they might have about random onions and shorts. Does that make  
21 sense?

22 PROSPECTIVE JUROR HUBBARD: Uh-huh.

23 MS. WHATLEY: It would be impossible for us to plan  
24 for like those random questions. Does that make sense,  
25 Mr. Hubbard?

1 PROSPECTIVE JUROR HUBBARD: Yes.

2 MS. WHATLEY: Does anybody disagree with that? Like  
3 disagree with having to distinguish what's an actual element  
4 that we have to prove versus like a detail that you just want  
5 to know but that's not an element, right?

6 Like differences between what's an element that the  
7 State of Oklahoma has to prove and what's a detail that you  
8 just want to know. Now, could it be that there's a detail  
9 that's important and goes to one of the elements? Absolutely.  
10 But there also could be a question of a detail that maybe you  
11 just want to know but doesn't go to an element. Does that make  
12 sense?

13 What do you think about that, Mr. Hill?

14 PROSPECTIVE JUROR HILL: I think it's fairly  
15 accurate. I mean, if it has nothing to pertain to the things  
16 you need to prove, then it has nothing to do with my decision.

17 MS. WHATLEY: What if you really want to know?

18 PROSPECTIVE JUROR HILL: I'm nosey. I'm not going to  
19 ignore it, ask later.

20 MS. WHATLEY: Okay. Ask later. And that's a good  
21 thing, because like after this is over, Mr. Hubbard, you want  
22 to ask me questions about my granny's potato soup, if you're  
23 not a juror today, I'll be happy to answer your questions. Or  
24 if you are a juror, I'll answer all of your questions after the  
25 case is over about potato soup and anything else you might want

1 to ask me about the case. And we can do that after the case is  
2 over, right?

3               Okay. Anybody have anything -- any questions about  
4 that or disagree with holding the State of Oklahoma to their  
5 burden of proof as it relates to proving each and every one of  
6 the elements and not just random things that we can't plan for?

7               (No response by the prospective jurors.)

8               MS. WHATLEY: No? Okay. Let's see. Let's go to Ms.  
9 Kaelin. When you hear the word lewd acts, what is the first  
10 thing that came to your mind?

11              PROSPECTIVE JUROR KAELIN: Inappropriate.

12              MS. WHATLEY: And why do you think that is?

13              PROSPECTIVE JUROR KAELIN: Because it's lewd. Kind of  
14 goes to inappropriate.

15              MS. WHATLEY: Okay. So like first thing, lewd acts.  
16 When you heard Judge Balkman say like the charge, right,  
17 because you're all in here for jury duty. I'm assuming -- I  
18 mean, anybody happy to be here? Mr. Smith?

19              PROSPECTIVE JUROR SMITH: It's my first time so I'm  
20 curious.

21              MS. WHATLEY: Okay. That's fair. Everybody else is  
22 like no way, I'm not happy to be here, which I think is normal.  
23 And then you get here and you hear that it's a lewd act case,  
24 which I'm sure has some sort of feelings to it. Is that  
25 correct?

1 PROSPECTIVE JUROR KAELIN: Yes.

2 MS. WHATLEY: And you said the first word that you  
3 just think of is inappropriate.

4 PROSPECTIVE JUROR KAELIN: Correct.

5 MS. WHATLEY: Okay. Do you -- I can't remember so  
6 help me. I'm sorry if I can't remember. Was there ever -- did  
7 you know of anybody -- like do you know of anyone who's ever  
8 been a victim of sexual abuse?

9 PROSPECTIVE JUROR KAELIN: Yes.

10 MS. WHATLEY: Okay. If you're uncomfortable  
11 answering, that's okay. Is it a -- like a friend or a close  
12 family member?

13 PROSPECTIVE JUROR KAELIN: My daughter's best friend.

14 MS. WHATLEY: Okay. Now, were you -- did  
15 you -- did you see that -- did you see that happen?

16 PROSPECTIVE JUROR KAELIN: No.

17 MS. WHATLEY: Do you believe that it happened even  
18 though you didn't see it happen?

19 PROSPECTIVE JUROR KAELIN: Yes.

20 MS. WHATLEY: And why is that?

21 PROSPECTIVE JUROR KAELIN: Well, because she said so,  
22 and at the end of the day she took her own life because of it.

23 MS. WHATLEY: I'm sorry. I did not know that. I'm  
24 so sorry.

25 Did you -- is -- other have any other experiences

1 with -- like with sexual abuse of children?

2 PROSPECTIVE JUROR KAELIN: My cousin was, I believe,  
3 convicted of lewd acts with a child.

4 MS. WHATLEY: Your cousin?

5 PROSPECTIVE JUROR KAELIN: Uh-huh.

6 MS. WHATLEY: Okay. Was this like a cousin that  
7 you're --

8 PROSPECTIVE JUROR KAELIN: Second cousins. My  
9 cousin's son.

10 MS. WHATLEY: Were you close with your cousin?

11 PROSPECTIVE JUROR KAELIN: No.

12 MS. WHATLEY: You said convicted?

13 PROSPECTIVE JUROR KAELIN: Uh-huh.

14 MS. WHATLEY: Do you know if it was like convicted in  
15 a jury trial or convicted --

16 PROSPECTIVE JUROR KAELIN: I do not.

17 MS. WHATLEY: Were you close with that -- with the  
18 cousin whenever it happened?

19 PROSPECTIVE JUROR KAELIN: No.

20 MS. WHATLEY: Okay. Do you know any of the details  
21 of what happened?

22 PROSPECTIVE JUROR KAELIN: No.

23 MS. WHATLEY: Do you think that whenever a child is  
24 sexually abused that there are usually witnesses?

25 PROSPECTIVE JUROR KAELIN: No.

1           MS. WHATLEY: And why do you think that there are not  
2 usually witnesses?

3           PROSPECTIVE JUROR KAELIN: I think that the person  
4 committing an act does not want others to know.

5           MS. WHATLEY: But do you believe it happens even  
6 though there are not witnesses?

7           PROSPECTIVE JUROR KAELIN: Yes.

8           MS. WHATLEY: Do you think that there is likely a lot  
9 of DNA evidence in crimes like this?

10          PROSPECTIVE JUROR KAELIN: I think it depends on each  
11 case. I think if the child speaks out, then yes, but if not,  
12 then no.

13          MS. WHATLEY: Like would depend on the timing of when  
14 something is said maybe?

15          PROSPECTIVE JUROR KAELIN: Yes.

16          MS. WHATLEY: And maybe the specifics --

17          PROSPECTIVE JUROR KAELIN: Yes.

18          MS. WHATLEY: -- of what happened? Okay. And where  
19 do you think child sexual abuse usually happens?

20 We kind of talked about there not being witnesses. Where do  
21 you think it usually happens?

22          PROSPECTIVE JUROR KAELIN: I'm not quite sure.  
23 Homes.

24          MS. WHATLEY: Do you think it happens usually out in  
25 the open or behind closed doors?

1 PROSPECTIVE JUROR KAELIN: Behind closed doors.

2 MS. WHATLEY: Okay. Thank you.

3 Ms. Coffelt, I'm going to go to you for a second just  
4 because you kind of mentioned something earlier as it related  
5 to your brother. So if I -- you openly shared earlier so I'm  
6 going to kind of pick on you for a second. If I'm asking you  
7 something that you're uncomfortable with, just let me know.

8 You had mentioned earlier that your brother was  
9 convicted of some sort of sexual abuse case with a child. Is  
10 that correct?

11 PROSPECTIVE JUROR COFFELT: Correct.

12 MS. WHATLEY: And he admitted guilt. He was  
13 sentenced, and there was no trial. Does that sound correct?

14 PROSPECTIVE JUROR COFFELT: Yes.

15 MS. WHATLEY: Are you -- do you know like some of the  
16 specifics at least surrounding the case a bit?

17 PROSPECTIVE JUROR COFFELT: Yeah. I'm pretty  
18 familiar with most of it.

19 MS. WHATLEY: Okay. Do you know the relationship of  
20 the victim to your brother?

21 PROSPECTIVE JUROR COFFELT: Yes. It was actually --  
22 his wife ran a home daycare.

23 MS. WHATLEY: Okay.

24 PROSPECTIVE JUROR COFFELT: And the person -- the  
25 girl it happened to was my daughter's best friend at the time.

1                   MS. WHATLEY: Okay. And your daughter's best friend  
2 in the home daycare?

3                   PROSPECTIVE JUROR COFFELT: Yeah. But they were all  
4 in the home daycare together.

5                   MS. WHATLEY: Okay.

6                   PROSPECTIVE JUROR COFFELT: And it happened whenever  
7 his wife, who ran the home daycare, was out of the home picking  
8 up other children.

9                   MS. WHATLEY: Do you know or have any idea like if it  
10 -- if there was a disclosure that was immediate or if it had  
11 been happening for a while, and then the child victim said  
12 something?

13                  PROSPECTIVE JUROR COFFELT: From what I understand,  
14 it felt happened and then a few months later it was kind of  
15 brought out by some of the behaviors of the child.

16                  MS. WHATLEY: Okay.

17                  PROSPECTIVE JUROR COFFELT: And how she was kind of  
18 playing with her toys and all that stuff.

19                  MS. WHATLEY: Okay. So not something that was  
20 similar or not something like Ms. Kaelin kind of talked about,  
21 like the DNA evidence sometimes being -- like maybe it depends  
22 on when something is said.

23                  But this situation, at least in your brother's case,  
24 probably wasn't something that was an immediate type of  
25 disclosure?

1 PROSPECTIVE JUROR COFFELT: Right.

2 MS. WHATLEY: Something that went on at least for  
3 some time?

4 PROSPECTIVE JUROR COFFELT: There was some grooming,  
5 yeah. I think that's a big part of it. You know, you gain the  
6 trust and I think that's kind of how it happened with my  
7 brother.

8 MS. WHATLEY: Okay. For those of us that might not  
9 be familiar in the courtroom today with the term grooming, what  
10 do you mean when you say grooming?

11 PROSPECTIVE JUROR COFFELT: Befriending, kind of  
12 developing a relationship with that child, not necessarily in  
13 private, but, you know, becoming friends with them. Like  
14 taking them for ice cream, you know -- and like in this case,  
15 he was in -- they were in daycare. So he, you know, is in  
16 charge of making sure she had food and snacks and all that  
17 stuff and, yeah.

18 MS. WHATLEY: Do you think -- and you might not know  
19 the specifics, like if this is the situation that happened with  
20 your brother or not, and if so, that's okay. But just in  
21 general, do you think that -- do you think that a defendant or  
22 a person who abuses a child is likely to abuse a child the  
23 first time they're around them?

24 PROSPECTIVE JUROR COFFELT: No.

25 MS. WHATLEY: And why do you think that might be?

1                   PROSPECTIVE JUROR COFFELT: Again, just back to the  
2 grooming. The child has to trust -- has to trust you. And I  
3 feel like -- like I said, that's part of the grooming process  
4 as you gain the child's trust, so that they're comfortable,  
5 even as far as just being in the room alone with you.

6                   MS. WHATLEY: Mr. Axton, what do you think about  
7 that, about some of the things that Ms. Coffelt has said as it  
8 relates to kind of grooming and gaining the trust of a child?

9                   Do you think that that makes it less likely if you  
10 groom a child that a child would make an immediate disclosure  
11 about being sexually abused?

12                  PROSPECTIVE JUROR AXTON: Do I think that they would  
13 wait longer if they had been groomed?

14                  MS. WHATLEY: Uh-huh.

15                  PROSPECTIVE JUROR AXTON: I think it could go either  
16 way. It just depends. Just depends.

17                  MS. WHATLEY: What do you think it depends on?

18                  PROSPECTIVE JUROR AXTON: Probably a lot of  
19 circumstances and probably fear. I have a good friend whose  
20 daughter had gone through a situation like that, and she didn't  
21 tell for years. Even -- she was just afraid to tell her mom,  
22 which her mom's the most loving person and obviously wants the  
23 best for her. But, you know, she just had a fear of that.

24                  MS. WHATLEY: Do you think a child can be fearful  
25 without the abuser like saying those words? Like you better be

1 afraid or like --

2 PROSPECTIVE JUROR AXTON: Oh, yeah, definitely.

3 MS. WHATLEY: -- without making specific threats,  
4 like, I'm going to do something to you?

5 PROSPECTIVE JUROR AXTON: There's all sorts of fears.  
6 There's just a -- I think lot of that stuff will be, you know,  
7 stay behind closed doors just because of the fear of how  
8 somebody might look at them, that the -- the person who was  
9 abused, you know, thinking people might think different of them  
10 and just an embarrassment.

11 MS. WHATLEY: How are those dynamics that you just  
12 mentioned, like fear and embarrassment -- how does that change  
13 when the victim is a child and the perpetrator is an adult?

14 PROSPECTIVE JUROR AXTON: It can change some, but  
15 sometimes it doesn't. There's lots of -- I mean, we've been  
16 seeing this a lot in the news with the Me Too stuff with women  
17 who, you know, 25 years later have been holding onto stuff and  
18 they're coming out.

19 So I think it depends on the person and a lot of  
20 circumstances on if they keep that hidden or come right out  
21 with it.

22 MS. WHATLEY: What do you think Ms. Lyons-Ketchum?  
23 Did I get that right?

24 PROSPECTIVE JUROR LYONS-KETCHUM: Uh-huh.

25 MS. WHATLEY: Sometimes my handwriting is atrocious,

1 so.

2 PROSPECTIVE JUROR LYONS-KETCHUM: I agree that a lot  
3 of disclosure and other things depends on the circumstance. It  
4 also would depend on the power dynamic between the victim and  
5 the alleged perpetrator. It would also just depend on that  
6 person's personality, if they are someone who shares easily or  
7 not.

8 MS. WHATLEY: Would it depend on if the perpetrator  
9 was like actually living in the home versus like not in the  
10 home but just someone that has access to the child?

11 PROSPECTIVE JUROR LYONS-KETCHUM: Absolutely.

12 MS. WHATLEY: In what way would that matter do you  
13 think?

14 PROSPECTIVE JUROR LYONS-KETCHUM: Again, it would go  
15 back to the power dynamic. Does this person have control over  
16 like your daily life? Like if you get to go out or get to go  
17 to work or have friends, other things.

18 It also would depend on that person's  
19 relationship to your guardian. And so if you had, say, fear of  
20 upsetting your mother or someone else in the house, all of that  
21 would play together.

22 MS. WHATLEY: So Ms. Marino, if a child victim of  
23 sexual abuse, if they don't say anything, you know, right when  
24 the abuse happens, do you think that that makes them less  
25 credible to you in your eyes?

1                   PROSPECTIVE JUROR MARINO: No. A lot of children --  
2 a lot of children hold that in because they're afraid of the  
3 consequences of what happens when I speak out, will I be  
4 punished, is something going to happen to my parents, have they  
5 threatened them to kill them, or am I going to be ostracized at  
6 school if everybody finds out.

7                   MS. WHATLEY: Okay. Thank you. I want to  
8 ask -- let me see. Let's go to Ms. Rutledge for a second, if  
9 we can. Ms. Rugledge, if we can pass it and not make Jami get  
10 her steps today. Kind of give Jami a break. You're welcome  
11 Jami.

12                  Ms. Rutledge, you know, right now I want to ask you  
13 to just give us some details right now about your last  
14 consensual sexual encounter. I'm just -- don't answer that.  
15 Don't answer me.

16                  PROSPECTIVE JUROR RUTLEDGE: Okay.

17                  MS. WHATLEY: But did the -- me just asking you that  
18 question, how did that make you feel?

19                  PROSPECTIVE JUROR RUTLEDGE: Maybe a little  
20 embarrassed.

21                  MS. WHATLEY: You kind of had a -- what I'm going to  
22 call like a nervous -- it was kind of like a nervous laugh.  
23 You looked very uncomfortable.

24                  PROSPECTIVE JUROR RUTLEDGE: Yeah, very  
25 uncomfortable.

1 MS. WHATLEY: I was uncomfortable for you.

2 PROSPECTIVE JUROR RUTLEDGE: Well, thank you.

3 MS. WHATLEY: I didn't want you to start answering  
4 me. And you're an adult, right?

5 PROSPECTIVE JUROR RUTLEDGE: Right.

6 MS. WHATLEY: Safe so say that that's something that  
7 we, as adults, are not always comfortable talking about in  
8 front of other adults?

9 PROSPECTIVE JUROR RUTLEDGE: Correct.

10 MS. WHATLEY: How do you think that that would make  
11 you feel if I had you sitting on the witness stand and I asked  
12 you that question with 12 people in the box staring at you and  
13 people out here in the audience looking at you and all eyes are  
14 on you as I ask you to describe your last sexual encounter, and  
15 I said consensual.

16 PROSPECTIVE JUROR RUTLEDGE: Right. I think you  
17 would be terrified.

18 MS. WHATLEY: Would it make you feel uncomfortable?

19 PROSPECTIVE JUROR RUTLEDGE: Yes.

20 MS. WHATLEY: How do you think that it would impact  
21 your behavior on the stand?

22 PROSPECTIVE JUROR RUTLEDGE: I mean, I think it would  
23 be different for every person.

24 MS. WHATLEY: You kind of laughed a little bit.

25 PROSPECTIVE JUROR RUTLEDGE: Do you mean me

1 personally or in general?

2 MS. WHATLEY: Just -- well, I mean, you can answer it  
3 personally and then kind of generally if you want.

4 Personally, how do you think it would impact you?

5 PROSPECTIVE JUROR RUTLEDGE: Well, you mean if it  
6 wasn't consensual?

7 MS. WHATLEY: No. I'm talking about consensual right  
8 now.

9 PROSPECTIVE JUROR RUTLEDGE: Okay. Well, just like I  
10 did. Just kind of laugh nervously about it.

11 MS. WHATLEY: Do you think it might make it difficult  
12 for you to look me in the eye?

13 PROSPECTIVE JUROR RUTLEDGE: Probably.

14 MS. WHATLEY: Maybe like a little difficulty  
15 answering questions?

16 PROSPECTIVE JUROR RUTLEDGE: Probably.

17 MS. WHATLEY: Maybe a little bit -- you know, built  
18 kind of fidgeting around a little?

19 PROSPECTIVE JUROR RUTLEDGE: Yes.

20 MS. WHATLEY: Do you think that -- you kind of  
21 fidgeting, kind of nervous like -- or I said nervous.

22 But your laughter, you think that's an indication of nerves?

23 PROSPECTIVE JUROR RUTLEDGE: Yes.

24 MS. WHATLEY: Okay. Or do you think that's an  
25 indication of lying?

1                   PROSPECTIVE JUROR RUTLEDGE: I think it -- for me it  
2 was an indication of nervousness.

3                   MS. WHATLEY: Right. Do you think that -- do you  
4 think that kids can be truthful?

5                   PROSPECTIVE JUROR RUTLEDGE: Absolutely.

6                   MS. WHATLEY: Do you think that -- you have children,  
7 correct?

8                   PROSPECTIVE JUROR RUTLEDGE: Yes.

9                   MS. WHATLEY: Okay. Do you think that kids in your  
10 experience, with your own children at least, do you think that  
11 kids are good at keeping lies straight?

12                  PROSPECTIVE JUROR RUTLEDGE: No.

13                  MS. WHATLEY: Okay. And you kind of -- you did the  
14 like mom laugh and shake head as I'm kind of in my mind doing,  
15 like my kids can't keep lies straight. That's always what gets  
16 them, right? They can't keep them straight.

17                  PROSPECTIVE JUROR RUTLEDGE: Right.

18                  MS. WHATLEY: They can tell them. They just can't  
19 keep them straight.

20                  PROSPECTIVE JUROR RUTLEDGE: Right.

21                  MS. WHATLEY: Kind of explain to me what you mean by  
22 that.

23                  PROSPECTIVE JUROR RUTLEDGE: I think that they just  
24 kind of spin out of control, the lie does, and they forget what  
25 they've maybe said before. And you go back and ask again, and

1       they -- it's not as detailed maybe. I think it's worse when  
2       they're younger.

3                  MS. WHATLEY: Uh-huh. Yeah. Do you -- like as a  
4       mom, do you have experience with kids using different  
5       terminology for their body parts like at different -- like  
6       different stages and different ages?

7                  PROSPECTIVE JUROR RUTLEDGE: Yes.

8                  MS. WHATLEY: Okay. Anything about that that you  
9       have -- like do you expect to see that, kids at certain ages  
10      might use different terminology --

11                 PROSPECTIVE JUROR RUTLEDGE: Sure.

12                 MS. WHATLEY: -- than kids of other ages?

13                 PROSPECTIVE JUROR RUTLEDGE: Sure.

14                 MS. WHATLEY: And even one kid who used one word for  
15       their body part, at a certain age might use a different word at  
16       a different age?

17                 PROSPECTIVE JUROR RUTLEDGE: Sure.

18                 MS. WHATLEY: Just kind of growing up?

19                 PROSPECTIVE JUROR RUTLEDGE: Sure.

20                 MS. WHATLEY: I want to talk for a second -- thank  
21       you for talking to me, Ms. Rutledge. Sorry to embarrass you.

22                 PROSPECTIVE JUROR RUTLEDGE: That's okay.

23                 MS. WHATLEY: Mr. Wade, we kind of talked for a  
24       second with Ms. Rutledge about, you know, talking to people  
25       about consensual sexual encounters. And I don't know if you

1       were able to see how uncomfortable she got.

2                  How do you think that that would translate to a child  
3       in front of -- you know, in front of people in a courtroom?

4                  PROSPECTIVE JUROR WADE: It probably would be very  
5       uncomfortable for the child.

6                  MS. WHATLEY: Right. And remember with  
7       Ms. Rutledge, we were talking about a consensual encounter, and  
8       we're here for something that the State is saying is  
9       unconsensual.

10                 PROSPECTIVE JUROR WADE: Yes.

11                 MS. WHATLEY: Think it might be difficult?

12                 PROSPECTIVE JUROR WADE: Very difficult.

13                 MS. WHATLEY: How do you think the difficulty of a  
14       child testifying in a room full of adults in this kind of  
15       situation might manifest itself on the witness stand?

16                 PROSPECTIVE JUROR WADE: I could see it kind of  
17       spiraling out of control if it was a lie. You know, it was  
18       probably awkward enough for the child to tell somebody they  
19       trust, let alone to be alone in front of a room full of people  
20       they don't know.

21                 MS. WHATLEY: Do you think that -- how do you think a  
22       child might behave on the stand just in general like having to  
23       testify about something of this nature.

24                 PROSPECTIVE JUROR WADE: Probably very nervous.

25                 MS. WHATLEY: Do you think that nervousness in and of

1 itself is an indication of lying?

2 PROSPECTIVE JUROR WADE: No.

3 MS. WHATLEY: How are you -- given the subject  
4 matter, given the fact that, you know, this is a child, how are  
5 you going to judge credibility?

6 PROSPECTIVE JUROR WADE: You just have to follow the  
7 evidence.

8 MS. WHATLEY: Okay. And we have established already  
9 that -- that testimony is evidence.

10 PROSPECTIVE JUROR WADE: Uh-huh.

11 MS. WHATLEY: And can you -- can you, Mr. Wade,  
12 believe the word of a child?

13 PROSPECTIVE JUROR WADE: Yes.

14 MS. WHATLEY: What would it take for you to believe  
15 the word of a child?

16 PROSPECTIVE JUROR WADE: Probably asking the same  
17 question different ways and judging based on the response.

18 MS. WHATLEY: What about you -- let's go to  
19 Mr. Smith. I mean, not Mr. Smith. I'm sorry, Mr. Black.

20 First, how would you judge the credibility of a child  
21 witness given some of the questions that I asked Mr. Wade about  
22 the subject matter? Like this obviously being something  
23 difficult for a child to come in and talk about, you know, the  
24 behaviors on the witness stand, keeping in mind that the  
25 subject matter is very delicate. How are you going -- you have

1 children. Was it three?

2 PROSPECTIVE JUROR BLACK: No. I have a 25-year-old  
3 son.

4 MS. WHATLEY: Okay. Just one son. You have a child.  
5 So you at least have some experience with children at some  
6 point in your life. How do you judge credibility in these  
7 circumstances?

8 PROSPECTIVE JUROR BLACK: I mean, I probably found it  
9 pretty easy to tell when it was the truth or something made up,  
10 but -- with my son anyway.

11 MS. WHATLEY: Right. How do you think that you would  
12 do that in this circumstance?

13 PROSPECTIVE JUROR BLACK: I would expect them to be  
14 extremely nervous, maybe even almost terrified like in front of  
15 all of us or everybody in here.

16 MS. WHATLEY: Yeah.

17 PROSPECTIVE JUROR BLACK: Would probably convince me  
18 that it was the truth.

19 MS. WHATLEY: Would you expect -- do you have any  
20 expectation that -- that they're going to remember, you know,  
21 every single specific of whenever disclosure they made when  
22 they made the disclosure? That a child will remember that?

23 PROSPECTIVE JUROR BLACK: I would expect there to be  
24 holes in it or blank spots or -- yeah.

25 MS. WHATLEY: Do you expect or do you have any

1 expectation that cases come to trial quickly in the justice  
2 system?

3 PROSPECTIVE JUROR BLACK: I don't follow what you're  
4 saying.

5 MS. WHATLEY: Well, do you think that -- there's  
6 incident dates in this case, and you'll hear about it. But the  
7 incident dates of this case are several years ago. And so the  
8 investigation would have been years ago, and the initial  
9 statements would have been years ago.

10 So my question is, do you expect a child to remember  
11 a whole lot of specifics about statements they made several  
12 years ago or do you have any expectations about that?

13 PROSPECTIVE JUROR BLACK: I would think something,  
14 what I would say, that traumatic, he would probably remember  
15 quite a bit of it.

16 MS. WHATLEY: Okay.

17 THE COURT: Can you put that microphone closer to  
18 your mouth?

19 PROSPECTIVE JUROR BLACK: I'm sorry.

20 THE COURT: Thank you.

21 MS. WHATLEY: Would you like me to repeat that,  
22 because I think some people didn't hear.

23 PROSPECTIVE JUROR BLACK: I said I would think  
24 something that traumatic, that you would probably remember  
25 quite a bit of it.

1 MS. WHATLEY: Maybe the big things?

2 PROSPECTIVE JUROR BLACK: Yes.

3 MS. WHATLEY: Does that kind of go back to what we  
4 talked about? I know it's different and we're just making --  
5 we're kind of drawing some similarities to what Mr. Jilge said  
6 about, yeah, I remember these things but I don't remember the  
7 color of shorts or the color of shirt.

8 I remember it rolled and I remember that I was -- you  
9 know, I had to get out this way. Like, is that what you're  
10 talking about?

11 PROSPECTIVE JUROR BLACK: Right, yeah.

12 MS. WHATLEY: Like the big things, maybe not all of  
13 the specific details?

14 PROSPECTIVE JUROR BLACK: Correct, yes.

15 MS. WHATLEY: Do you think that -- Mr. Black, do you  
16 think that your memory about some of those things is better  
17 closer in time to when the event happens?

18 PROSPECTIVE JUROR BLACK: No, I don't.

19 MS. WHATLEY: Okay. Why is that?

20 PROSPECTIVE JUROR BLACK: Because I think during a  
21 traumatic experience, you're going to maybe blackout at a  
22 certain point or forget. You just go blank and down the road  
23 it comes to you. Yeah. I would think more would come as the  
24 days and weeks went by --

25 MS. WHATLEY: Okay.

1 PROSPECTIVE JUROR BLACK: -- from the incident.

2 MS. WHATLEY: Have you had a situation in which  
3 that's happened to you?

4 PROSPECTIVE JUROR BLACK: Somewhat, I guess. Yeah.

5 MS. WHATLEY: Could you describe that for me?

6 PROSPECTIVE JUROR BLACK: Back when I was about 10,  
7 my dad knocked me off the ladder and broke my arm and knocked  
8 me out. And it was, I don't know, several weeks before it come  
9 back to me.

10 MS. WHATLEY: Like everything came back to you?

11 PROSPECTIVE JUROR BLACK: Because it was all good at  
12 the doctor. He was taking care of me. And then weeks later, I  
13 realized, I remember what I was doing now, you know.

14 MS. WHATLEY: You think like our memories and our  
15 brains are kind of funny things that way, right?

16 PROSPECTIVE JUROR BLACK: Yeah.

17 MS. WHATLEY: Like sometimes the sequencing gets off  
18 and we don't remember everything specifically, is what you're  
19 kind of saying?

20 PROSPECTIVE JUROR BLACK: Yeah.

21 MS. WHATLEY: I don't want to put words in your  
22 mouth.

23 PROSPECTIVE JUROR BLACK: No, I agree.

24 MS. WHATLEY: I feel like you're kind of saying  
25 sometimes it depends on what's happening. Sometimes maybe

1 piece all of it together kind of later.

2 PROSPECTIVE JUROR BLACK: Right.

3 MS. WHATLEY: Versus like right at the time?

4 PROSPECTIVE JUROR BLACK: Yes.

5 MS. WHATLEY: Depending on maybe what's happening at  
6 the time. Is that fair to say?

7 PROSPECTIVE JUROR BLACK: Yeah.

8 MS. WHATLEY: And in your situation, what you were  
9 saying is that because of what happened to you, and the fact  
10 that maybe the person who had harmed you maybe, was then taking  
11 care of you at the time. That immediately those things didn't  
12 come back. Did I get that correct?

13 PROSPECTIVE JUROR BLACK: Correct.

14 MS. WHATLEY: Okay. Does anybody disagree with  
15 Mr. Black?

16 What do you think -- I haven't talked to you,  
17 Mr. Brown. What do you think about that, Mr. Brown?

18 PROSPECTIVE JUROR BROWN: I guess it depends on the  
19 situation. You would know some of the major details, but not  
20 all the minor stuff. Like shorts and T-shirt color really  
21 doesn't matter because it wasn't part of the wreck. That type  
22 of stuff.

23 MS. WHATLEY: Okay. So major details you think that  
24 you kind of remember.

25 Does it matter to you, though, like Mr. Jilge

1 remembered -- I don't really know -- well, I guess we're just  
2 going to have to ask him. So you might have to give the  
3 microphone to him for a second.

4                   Mr. Jilge, did you remember all of those things in  
5 the very beginning or is this -- are these things that you have  
6 pieced together? I'm not going to say how many years it's been  
7 since you've been 18.

8                   But are these things that you pieced together in the  
9 years since you've been 18 or is this all something that you  
10 remembered right after? Or is this just everything you've  
11 pieced together?

12                  PROSPECTIVE JUROR JILGE: No. Some of them were  
13 pieced together. I didn't count the number of times I rolled,  
14 but it's what I was from the witnesses and investigation on the  
15 scene.

16                  MS. WHATLEY: Okay. So that's an important thing to  
17 note then for the people that kind of talked about those  
18 specifics. Is that these are things that you've also kind of  
19 taken from witnesses and then also things that have came to you  
20 as you've retold the story or what happened to you?

21                  PROSPECTIVE JUROR JILGE: That's correct.

22                  MS. WHATLEY: Okay. By a show of hands, has anybody  
23 had that happen? Again, this is just because I was recently in  
24 a car accident. Like you're telling the story to somebody and  
25 then as you're telling it, you're like, oh, yeah, like now I

1 remember. This also happened.

2 Has that happened to anybody before? Like am I the  
3 only person that's happened to?

4 (Prospective jurors raise hands.)

5 MS. WHATLEY: No, okay. And thought I was crazy kind  
6 of because I was like I totally -- until right now, I didn't  
7 remember that, you know, before this happened, this also  
8 happened. Why do you think that is?

9 I'm going to go back to Mr. Brown for a second. Why  
10 do you think that is?

11 PROSPECTIVE JUROR BROWN: I have no idea.

12 MS. WHATLEY: Okay.

13 PROSPECTIVE JUROR BROWN: Just the way the brain  
14 works.

15 MS. WHATLEY: Okay. Do you think it makes  
16 Mr. Jilge, you know, a liar? Not calling you a liar.  
17 But do you think it makes him a liar just because he didn't  
18 know every single detail the first time he told his story about  
19 the accident?

20 PROSPECTIVE JUROR BROWN: No. Probably all the  
21 details weren't that important at that time. I mean, they  
22 might not be important at all, but he might have started  
23 remembering them.

24 MS. WHATLEY: Do you think that we, as human beings,  
25 sometimes decide what details to share based on who we're

1 telling stories to? I stay telling stories. That sounds like  
2 I'm a child like telling -- I don't mean it like that.

3 But, you know, like if I'm talking to -- this is like  
4 the best I can give, and I'm sorry, but it's the best example.

5 If I'm talking to somebody who's a woman who's giving  
6 birth and I'm explaining, you know, the story of me giving  
7 birth to my children, maybe there are details I share with her  
8 that I would not share with some man, right? Like what you  
9 tell the certain people might depend on who they are. Does  
10 that make sense?

11 PROSPECTIVE JUROR BROWN: Yeah.

12 MS. WHATLEY: So that's where I was going with that.

13 PROSPECTIVE JUROR BROWN: Yeah. It depends on who  
14 you're talking to -- your audience, I guess.

15 MS. WHATLEY: So do you agree with that?

16 PROSPECTIVE JUROR BROWN: Yeah.

17 MS. WHATLEY: Why do you think that is?

18 PROSPECTIVE JUROR BROWN: Some people might not be  
19 interested in what you're talking about.

20 MS. WHATLEY: Okay. Might not know based on their  
21 own experiences?

22 PROSPECTIVE JUROR BROWN: Yeah.

23 MS. WHATLEY: Like you don't know what it's like to  
24 give birth, right?

25 PROSPECTIVE JUROR BROWN: Yeah.

1           MS. WHATLEY: I mean, you had no idea what I was  
2 talking about.

3           PROSPECTIVE JUROR BROWN: I've seen my wife do it.

4           MS. WHATLEY: Are you telling me you know what it's  
5 like?

6           PROSPECTIVE JUROR BROWN: I do not know what it's  
7 like.

8           MS. WHATLEY: Because Mr. Brown, I'm going to find  
9 your wife's number. I'm going to call her up. I'm going to  
10 tell her you're in here telling all of us you know what it's  
11 like to give birth.

12          PROSPECTIVE JUROR BROWN: I passed a kidney stone  
13 before, but...

14          MS. WHATLEY: Mr. Brown, you should have quit while  
15 you were ahead. Judge Balkman tried to warn you.

16          But why do you think that is? Why do you think we do  
17 that?

18          PROSPECTIVE JUROR BROWN: To keep the people  
19 interested probably.

20          MS. WHATLEY: You think? And also, kind of just like  
21 you might tell different things to your mom versus your friend,  
22 right?

23          PROSPECTIVE JUROR BROWN: Sure.

24          MS. WHATLEY: Kind of depends on who your audience  
25 is?

1 PROSPECTIVE JUROR BROWN: Yep.

2 MS. WHATLEY: Okay. What do you think about that,  
3 Mr. Hubbard, like maybe giving different -- you know, different  
4 details to different people.

5 PROSPECTIVE JUROR HUBBARD: Well, like you said, you  
6 know, it could be what your audience is. And also if they can  
7 relate to it.

8 I spent 25 years in the Navy and my first traumatic  
9 incident, if I was to explain it, you wouldn't really  
10 understand because you have to, you know, be in that sea in the  
11 middle of the night and having a collision with an aircraft  
12 carrier; kind of scares the heck out of you, so.

13 MS. WHATLEY: And those of us that haven't been in  
14 the Navy and been in those circumstances would have no frame of  
15 reference for that, right?

16 PROSPECTIVE JUROR HUBBARD: Exactly.

17 MS. WHATLEY: Makes sense then.

18 I haven't talked to you, Mr. Garrett. So you have  
19 just won yourself a turn. Mr. Garrett, do you think that -- do  
20 you think that we -- when we're investigating a child sex  
21 crime, right, when law enforcement is investigating those  
22 cases, do you think that children should be like spoken to or  
23 talked to in the same way as like adults?

24 PROSPECTIVE JUROR GARRETT: No. I don't think so.

25 MS. WHATLEY: Okay.

1 PROSPECTIVE JUROR GARRETT: I think there's -- I  
2 think that -- I think maybe the maturity level of adults  
3 compared to children, I think you would have to --

4 MS. WHATLEY: Bring the microphone up a little bit.  
5 You do not have the volume that I do.

6 PROSPECTIVE JUROR GARRETT: Yeah. I think that maybe  
7 you just have to ask the questions differently maybe to a child  
8 compared to an adult to maybe get the right answer or get the  
9 answer that you're looking for.

10 MS. WHATLEY: Okay. Maybe ask the questions in a  
11 different way --

12 PROSPECTIVE JUROR GARRETT: Right.

13 MS. WHATLEY: -- to kind of get on their level?

14 PROSPECTIVE JUROR GARRETT: Yeah.

15 MS. WHATLEY: Obviously because children are  
16 developmentally different than adults?

17 PROSPECTIVE JUROR GARRETT: Yes.

18 MS. WHATLEY: Okay. Ms. Littledeer, do you have --  
19 you have a -- is it a counseling background?

20 PROSPECTIVE JUROR LITTLEDEER: Uh-huh.

21 MS. WHATLEY: And you're a licensed counselor?

22 PROSPECTIVE JUROR LITTLEDEER: I actually just  
23 graduated from a master's program and just started counseling.  
24 But I was an intern, a counseling intern, at the place that I  
25 work now for almost a year.

1                   MS. WHATLEY: Okay. Do you have any experience with  
2 like knowing what a forensic interview of a child is for, you  
3 know, like law enforcement purposes?

4                   PROSPECTIVE JUROR LITTLEDEER: No, I do not.

5                   MS. WHATLEY: Okay. Do you know of why it would be  
6 beneficial to interview or to conduct an interview of a child  
7 in a different manner than an adult?

8                   PROSPECTIVE JUROR LITTLEDEER: Well, I kind of think  
9 about it in terms of like when you're counseling a little  
10 child, a lot of the time you don't do talk therapy, because  
11 children don't have the same vocabulary that we do and they  
12 don't interact necessarily the same way that we do.

13                  So a lot of the time when you're working with younger  
14 child, it's best to use play therapy because that's their  
15 language is play. But in terms of speaking to children, yes,  
16 you should speak to them like kind of in a similar way, because  
17 children are very smart. They understand a lot of things.

18                  So being able to communicate with them not like in  
19 baby talk or anything like that is very helpful. But, of  
20 course, explaining things in the vocabulary that they have is  
21 important for children too.

22                  MS. WHATLEY: What about like the environment in  
23 which you speak to children? You think it's maybe necessary to  
24 speak to children when it involves investigations like this in  
25 a way -- in a place that's maybe more child friendly instead of

1 like a -- no offense to Ms. Heath's husband, but in a place  
2 that's more child friendly versus like a cold, you know, room  
3 at a police station?

4 PROSPECTIVE JUROR LITTLEDEER: I mean, I think it can  
5 be helpful. Because, again, this is a -- I mean, for a child,  
6 this is probably a huge scary room and they, you know, are  
7 being watched by a lot of people. So having some elements of  
8 maybe even like a toy or something that is comfortable to them  
9 just makes them more secure.

10 MS. WHATLEY: Mr. Cromack, does that make sense to  
11 you? Like would it cause you any concern if in this case there  
12 was evidence where a child was interviewed in a manner that is  
13 different from how we -- from how -- I say we, but from how law  
14 enforcement interviews adults?

15 PROSPECTIVE JUROR CROMACK: I agree.

16 MS. WHATLEY: You agree with that?

17 PROSPECTIVE JUROR CROMACK: Yes.

18 MS. WHATLEY: Why do you agree with that?

19 PROSPECTIVE JUROR CROMACK: They're children.

20 MS. WHATLEY: Okay. Think it makes sense to treat  
21 them differently?

22 PROSPECTIVE JUROR CROMACK: Yes. Yes.

23 MS. WHATLEY: Okay.

24 PROSPECTIVE JUROR CROMACK: Safe environment for them  
25 to explain what happened.

1 MS. WHATLEY: A better environment.

2 PROSPECTIVE JUROR CROMACK: Safer.

3 MS. WHATLEY: Safer. Does anybody disagree with  
4 that?

5 (No response from the prospective jurors.)

6 MS. WHATLEY: Do you think, Mr. Cromack, that it's  
7 also important to be able to, you know, have that interview  
8 maybe audio/video recorded like close in time to when these  
9 statements were being made?

10 PROSPECTIVE JUROR CROMACK: I think a video or taped  
11 at any time would help -- would be better. I don't know if  
12 it's, you know, as soon as possible or later on, but it would  
13 be better.

14 MS. WHATLEY: Okay. If you, Mr. Cromack, believe --  
15 if we bring in our victim in this case and you believe the  
16 child, you believe what she tells you happened, do you believe  
17 the State of Oklahoma can meet all of their elements just from  
18 the word of a child?

19 PROSPECTIVE JUROR CROMACK: Uh, yes.

20 MS. WHATLEY: Okay. You kind of paused and said um.  
21 So I've got --

22 PROSPECTIVE JUROR CROMACK: You're just doing the one  
23 side, so yes.

24 MS. WHATLEY: Yeah. Yeah. Do you expect there to be  
25 -- I kind of talked about this earlier. But do you expect

1 there to be a lot of witnesses to child sexual abuse?

2 PROSPECTIVE JUROR CROMACK: No. I wouldn't think so.

3 MS. WHATLEY: Who do you think decides where to abuse  
4 children?

5 PROSPECTIVE JUROR CROMACK: I have no clue on that  
6 one. I don't --

7 MS. WHATLEY: Okay. What do you think,  
8 Ms. Counts?

9 PROSPECTIVE JUROR COUNTS: Ask me that one more time.

10 MS. WHATLEY: Who decides -- like who decides the  
11 place that a child is going to be sexually abused?

12 PROSPECTIVE JUROR COUNTS: You're talking between the  
13 victim and the abuser?

14 MS. WHATLEY: Uh-huh.

15 PROSPECTIVE JUROR COUNTS: I would assume the abuser  
16 would. Depending on the age of the child, they have no idea.

17 MS. WHATLEY: Right. And it seems like a silly  
18 question, but the abuser decides where the crime happens,  
19 right?

20 PROSPECTIVE JUROR COUNTS: That's what I would think.

21 MS. WHATLEY: And then who decides whether or not  
22 there's witnesses?

23 PROSPECTIVE JUROR COUNTS: I would think that would  
24 be the abuser as well.

25 MS. WHATLEY: And who decides whether or not there's,

1 you know, like DNA evidence or something like that?

2 PROSPECTIVE JUROR COUNTS: Well, that would come into  
3 the police investigation, I would think. And all of this would  
4 kind of depend on the age of the child as well, I would think.

5 MS. WHATLEY: Yeah. Do you that a majority of those  
6 things are controlled by the person who's perpetrating the  
7 crime?

8 PROSPECTIVE JUROR COUNTS: Yes.

9 MS. WHATLEY: Okay. Do you believe that the State of  
10 Oklahoma could prove their case through the word of a child  
11 alone?

12 PROSPECTIVE JUROR COUNTS: I would think that there  
13 would have to be more than just word. And, again, I think it  
14 could go back to the age of the child. I don't think anybody  
15 can believe by word alone.

16 MS. WHATLEY: Okay. Tell me why.

17 PROSPECTIVE JUROR COUNTS: That's really hard.  
18 I think as -- depending on when the crime is reported and the  
19 age of the child, they could be more traumatized first than  
20 later. I don't know what it is I'm trying to say. I don't  
21 know. I can't put words to it exactly. That's just a hard  
22 question for me.

23 MS. WHATLEY: Yeah. That's okay. These are just  
24 questions. I'm not sure that -- you know, I'm not really  
25 looking for right or wrong answers, just for you to answer the

1       questions.

2           I guess I could ask it like this. What kind of  
3       evidence would you expect? So if there's a perpetrator who  
4       sexually abuses a child, and we already know from several  
5       jurors that we think these crimes happens behind closed doors,  
6       we don't think that there are witnesses, what would you expect?  
7       What kind of evidence would you expect? You'd expect for the  
8       child to come in here and say that somebody touched them?

9           PROSPECTIVE JUROR COUNTS: Yes. And probably  
10      describe how and where.

11          MS. WHATLEY: Right.

12          PROSPECTIVE JUROR COUNTS: And how it got to that  
13      point.

14          MS. WHATLEY: Right.

15          PROSPECTIVE JUROR COUNTS: Someone had said something  
16      about grooming. I feel like the child would probably feel very  
17      comfortable with the person because they trusted them. So I  
18      mean, it would be their word, and based on what they could tell  
19      you.

20          MS. WHATLEY: Uh-huh. Yeah.

21          PROSPECTIVE JUROR COUNTS: I don't know what other  
22      evidence -- I mean, it would be based on what they would say as  
23      to where you would get your evidence.

24          MS. WHATLEY: Right. And would that be enough for  
25      you is my question? Could the State of Oklahoma -- I'm not

1 saying that's what we have or not, but is it possible that the  
2 State of Oklahoma could prove each and every element of their  
3 case based on the word of a child alone?

4 Because testimony is evidence because we talked about  
5 what evidence was at the very beginning of me talking right  
6 after the lunch break. And testimony is evidence.

7 PROSPECTIVE JUROR COUNTS: I feel like that has to be  
8 a real possibility otherwise we probably would not be here.

9 MS. WHATLEY: What do you think, Ms. Ketchum?  
10 Lyons-Ketchum. I switched those. I'm sorry.

11 PROSPECTIVE JUROR LYONS-KETCHUM: I do believe that  
12 testimony alone could potentially be enough to prove the  
13 elements of the crime. It really depends on the actual  
14 testimony.

15 MS. WHATLEY: Okay. So what you're saying is, yes,  
16 could be enough. I want to listen to the testimony, figure out  
17 the credibility of that, listen to the details, kind of weigh  
18 those details versus elements that we kind of talked about that  
19 we've been using this example about Mr. Jilge's accident?

20 PROSPECTIVE JUROR LYONS-KETCHUM: Yes.

21 MS. WHATLEY: What do you think, Mr. Axton?  
22 What do you think about that?

23 PROSPECTIVE JUROR AXTON: Well, since I still don't  
24 know what all the elements are that you're supposed to prove, I  
25 can only speculate. I think it's possible.

1       If one of the elements was that we had to have, you know,  
2       picture or video proof, then it wouldn't. Until you tell us  
3       all the elements, we wouldn't know for sure.

4                  MS. WHATLEY: Yeah. Well, and I can't do that.

5                  PROSPECTIVE JUROR AXTON: No, you cannot.

6                  MS. WHATLEY: Right. Okay. That's fair. What do  
7       you think -- let's go -- I haven't talked to you  
8       Ms. Moore. How do you feel about that?

9                  Do you believe the State of Oklahoma -- is it  
10     plausible to you that the State of Oklahoma could prove their  
11     entire case through the word of a child alone?

12                 PROSPECTIVE JUROR MOORE: I suppose so.

13                 MS. WHATLEY: Okay. Why do you suppose so?

14                 PROSPECTIVE JUROR MOORE: I guess it's situational.  
15     Like if it were your child and they told you, you would believe  
16     them.

17                 MS. WHATLEY: Yeah. Do you think that -- well, let  
18     me ask it this way. Have you ever been a witness to child  
19     sexual abuse?

20                 PROSPECTIVE JUROR MOORE: No.

21                 MS. WHATLEY: Ever see it happen?

22                 PROSPECTIVE JUROR MOORE: No.

23                 MS. WHATLEY: Do you believe it happens?

24                 PROSPECTIVE JUROR MOORE: Yes.

25                 MS. WHATLEY: Why do you believe that it happens?

1 PROSPECTIVE JUROR MOORE: I guess because I've, you  
2 know, read it, you know, on the -- like seen it on the news or,  
3 you know, the newspaper. I've watched it happen like in TV  
4 shows. And I have heard other people discuss it. And I don't  
5 feel like the world is perfect. So it does happen.

6 MS. WHATLEY: So do -- are you saying you believe  
7 that other people have given accounts of it that you find to be  
8 credible?

9 PROSPECTIVE JUROR MOORE: Yes.

10 MS. WHATLEY: Right. Like not just fake accounts of  
11 sexual abuse?

12 PROSPECTIVE JUROR MOORE: Right.

13 MS. WHATLEY: Do you expect there to be -- you know,  
14 do you think that when people are abusing a child that they  
15 usually like videotape themselves doing it?

16 PROSPECTIVE JUROR MOORE: No.

17 MS. WHATLEY: Do you think that they usually take  
18 pictures of themselves doing it?

19 PROSPECTIVE JUROR MOORE: Probably not.

20 MS. WHATLEY: Do you think that victims of child sex  
21 crimes usually disclose those things right after they happen?

22 PROSPECTIVE JUROR MOORE: No.

23 MS. WHATLEY: Okay. Ms. Curry, I haven't got to talk  
24 to you yet. You have won yourself a turn.

25 Ms. Curry, do you think that with something like a

1       delayed disclosure -- so what I mean by that is a child not  
2       telling, you know, like right when a crime occurs. Do you  
3       think that a child's delayed disclosure has an impact on any  
4       physical evidence that might be obtained?

5                     PROSPECTIVE JUROR CURRY: Possibly.

6                     MS. WHATLEY: Okay. How do you think that might  
7       impact that?

8                     PROSPECTIVE JUROR CURRY: Because there could have  
9       been something -- if they would have went and told right then,  
10       there might have been something left behind that they could get  
11       evidence from. But if they wait and they, say, shower or  
12       whatever, you know, then things could be washed away. And then  
13       sometimes things can be blocked in the back of the mind.

14                  MS. WHATLEY: Okay. So what we've kind of been  
15       talking about, and I think it was first mentioned by  
16       Ms. Coffelt, this grooming process where most people agreed or  
17       most jurors -- I don't think anybody disagreed about grooming  
18       kind of being something that would probably often happen  
19       because most people wouldn't sexually abuse a child the first  
20       time that they're around them.

21                  So do you think that grooming kind of also impacts  
22       that delayed disclosure and then also would impact whether or  
23       not there was any physical evidence, if any?

24                  PROSPECTIVE JUROR CURRY: I think so.

25                  MS. WHATLEY: Okay.

1 PROSPECTIVE JUROR CURRY: I think sometimes if  
2 they've been groomed and they've gotten to know that person, a  
3 child, depending on the age, don't even want to hurt that  
4 person.

5 MS. WHATLEY: Uh-huh. So that would impact whether  
6 or not there's even physical evidence at all?

7 PROSPECTIVE JUROR CURRY: Uh-huh.

8 MS. WHATLEY: You agree with that?

9 PROSPECTIVE JUROR CURRY: Yes, I do.

10 MS. WHATLEY: Okay. What about -- do you  
11 think -- obviously this depends on the type of touching, right?

12 PROSPECTIVE JUROR CURRY: Uh-huh.

13 MS. WHATLEY: But do you believe there's types of  
14 touching that don't leave physical injury?

15 PROSPECTIVE JUROR CURRY: Maybe physical, maybe not.  
16 But the mental is there.

17 MS. WHATLEY: The mental's there. What do you mean  
18 by that?

19 PROSPECTIVE JUROR CURRY: Well, it's in a child's  
20 mind. If someone's touching them, even if it's just touching  
21 them, if it's inappropriate, it can still be that fear in the  
22 back of that child's mind.

23 MS. WHATLEY: Okay. Do you think all -- like all  
24 touching or all, you know, molestation cases involve physical  
25 injury?

1 PROSPECTIVE JUROR CURRY: I don't think so.

2 MS. WHATLEY: Okay. And why is that?

3 PROSPECTIVE JUROR CURRY: Because physically they  
4 might not have been hurt even though they were touched.

5 MS. WHATLEY: So not all touching equals -- like can  
6 equal injury basically?

7 PROSPECTIVE JUROR CURRY: Yes.

8 MS. WHATLEY: What do you think about that,  
9 Ms. McIntire?

10 PROSPECTIVE JUROR MCINTIRE: I agree. I think you  
11 can be touched in a lot of ways that doesn't leave a mark or  
12 doesn't leave an injury.

13 MS. WHATLEY: So wouldn't necessarily expect to see  
14 like -- you know, depending -- obviously depending on what type  
15 of touch --

16 PROSPECTIVE JUROR MCINTIRE: Right.

17 MS. WHATLEY: -- wouldn't expect to see a huge  
18 injury?

19 PROSPECTIVE JUROR MCINTIRE: Right.

20 MS. WHATLEY: Okay. Think that that's probably  
21 pretty common that there wouldn't be a lot of injury, based on  
22 the type of touching?

23 PROSPECTIVE JUROR MCINTIRE: Right.

24 MS. WHATLEY: Okay. How would you feel or what are  
25 your thoughts about -- you know, we kind of talked about a

1 child being interviewed in a way that's different than an  
2 adult. Are you okay with that?

3 PROSPECTIVE JUROR MCINTIRE: Uh-huh.

4 MS. WHATLEY: Okay. Do you have any issues or  
5 problems with, you know, a child looking one way in a video at  
6 the time the interview took place, and then looking quite  
7 different in the courtroom, because obviously, time has passed  
8 and children grow up quickly?

9 PROSPECTIVE JUROR MCINTIRE: I think you expect to  
10 see changes in emotions and physical looks and a lot of those  
11 things as they grow. You know, yeah, I think there will be  
12 some changes.

13 MS. WHATLEY: Okay. Does that give you any concern  
14 or just like no, something I would expect?

15 PROSPECTIVE JUROR MCINTIRE: Yeah, it's to be  
16 expected.

17 MS. WHATLEY: Talked a little bit with other jurors  
18 about -- about kind of like how you kind of expect, you know,  
19 general -- you know, just in general adults to behave when  
20 they're talking about, you know, a consensual sexual encounter,  
21 and then obviously a child having to come in here and talk  
22 about it.

23 Do you think that -- when we talk about things that  
24 are difficult to talk about, do you think that  
25 our -- the affect that we have, do you think that that's

1 changed maybe on the amount of times we have to talk about it?

2 PROSPECTIVE JUROR MCINTIRE: Changed on the --

3 MS. WHATLEY: On a child.

4 PROSPECTIVE JUROR MCINTIRE: -- on a child?

5 MS. WHATLEY: Yeah.

6 PROSPECTIVE JUROR MCINTIRE: Yes.

7 MS. WHATLEY: Okay.

8 PROSPECTIVE JUROR MCINTIRE: I think the more you  
9 talk about something the less traumatic it is. Just like Mr.  
10 Jilge's story. Probably really traumatic telling it the first  
11 time or the second time, but the 35th time maybe not quite as  
12 traumatic.

13 MS. WHATLEY: Okay. And well, you might not know  
14 this, but, you know, testifying in court once we get to this  
15 stage will not be the first time that our victim has testified  
16 in trial or in -- not in trial, but in court. Is there any  
17 concern you have about that?

18 PROSPECTIVE JUROR MCINTIRE: Say that again.

19 MS. WHATLEY: It won't be the first time she's  
20 testified.

21 PROSPECTIVE JUROR MCINTIRE: In this?

22 MS. WHATLEY: Not in a trial. But you have to  
23 testify before we get here. There's several --

24 PROSPECTIVE JUROR MCINTIRE: Okay.

25 MS. WHATLEY: -- stages to a -- you know, there's

1 things that happen before we get here.

2 PROSPECTIVE JUROR MCINTIRE: Right. And she probably  
3 is coached some on what is acceptable or what's intended to be  
4 discussed and what to expect.

5 MS. WHATLEY: I expect there will be questions as it  
6 relates to that. I don't want to get into the details too much  
7 about that. You did use the word coached, but -- nobody's  
8 coaching anybody, but I think that was just your verbiage.

9 But yeah, attorneys are allowed to speak with  
10 witnesses who are going to testify, for sure.

11 PROSPECTIVE JUROR MCINTIRE: Right.

12 MS. WHATLEY: But yeah, once you've done something  
13 one time, maybe you get to be -- you start  
14 to -- you know what to expect, right. Things aren't -- like if  
15 you were to come in here -- how many of you have been in jury  
16 duty before?

17 (Prospective jurors raise hands.)

18 MS. WHATLEY: Is this process, Mr. Jilge -- I've just  
19 been picking on you all day. Just going to continue. Is it  
20 easier -- like, was this experience easier today because you've  
21 already been through this before or were you not in the panel?

22 PROSPECTIVE JUROR JILGE: No, I was in the panel.

23 MS. WHATLEY: Okay.

24 PROSPECTIVE JUROR JILGE: Very, very similar.

25 MS. WHATLEY: Okay.

1                   PROSPECTIVE JUROR JILGE: Would I say it was easier,  
2 it was about the same.

3                   MS. WHATLEY: Okay. You have at least -- does  
4 anybody have one of those people who -- I'm less fearful if I  
5 know what to expect. I'm one of those people. Like if I -- my  
6 fear level goes down if like I've been there before. And  
7 that's even like when I have to go park in the city and I'm  
8 like, ah. But if I know where I'm supposed to park, I'm less  
9 fearful.

10                  So, you know, sometimes when we do something before,  
11 maybe we're, you know, less fearful or we're like, okay, I kind  
12 of got this.

13                  Do you have any -- what do you feel about that,  
14 Ms. McIntire? Do you think -- do you have any feelings about  
15 that with, you know, our victim who's going to come in here and  
16 testify? Any thoughts at all based on she's testified before?

17                  PROSPECTIVE JUROR MCINTIRE: Like whether or not I  
18 think she'll be less fearful?

19                  MS. WHATLEY: Or, you know, any problems with the  
20 fact that she has testified before or, you know, looks  
21 different than she did in the recorded interview from a couple  
22 years ago?

23                  PROSPECTIVE JUROR MCINTIRE: This is her story. Here  
24 to hear it.

25                  MS. WHATLEY: Okay. What do you think,

1 Mr. Dotson?

2 PROSPECTIVE JUROR DOTSON: Regarding?

3 MS. WHATLEY: What do you think about, you know, like  
4 a victim looking different now than they did, you know, two  
5 years ago or however long ago in a video done closer to the  
6 time in which something happened?

7 PROSPECTIVE JUROR DOTSON: Time is fluid. So people  
8 change. Hairstyles change. Definitely music changes. I don't  
9 even know who Bush is, so.

10 MS. WHATLEY: Now you're dating yourself.

11 We're going to put ourselves in categories in the courtroom and  
12 decide how old we are based on the music that we know and don't  
13 know. I'm just kidding. We're not going to do that. We don't  
14 have time for that.

15 So are you -- obviously, there are things that have  
16 happened and there are going to be things that have happened  
17 outside this courtroom that you guys won't know about if you're  
18 picked as jurors. There's going to be probably things that  
19 happen during the trial that happen up at the bench. And I  
20 promise you, you're going to be like, I really wish that I knew  
21 what they were saying.

22 Because somebody's going to object right before  
23 somebody answers a question and it's going to be something that  
24 you really wanted to know the answer to or you're going to  
25 really want to know what we're talking about or you're going to

1       be having to stand out in the hall and you're going to be mad  
2       that you're standing out there for 20 minutes.

3                 There's just certain things that you guys can't know.  
4       There are certain things that are happening outside your  
5       presence because the law says that it has to. And I guess what  
6       I'm getting at is are you okay with that?

7                 PROSPECTIVE JUROR DOTSON: Yes, ma'am.

8                 MS. WHATLEY: Do you -- does it cause you any concern  
9       or are you worried that like people -- a lot of times victims  
10      or other witnesses in cases, have testified before they get to  
11      the trial stage? There's other preliminary proceedings that  
12      happen before we get here, and that's normal.

13                 PROSPECTIVE JUROR DOTSON: Yes.

14                 MS. WHATLEY: Okay. Any concern about that?

15                 PROSPECTIVE JUROR DOTSON: No, ma'am.

16                 MS. WHATLEY: Okay. What about like the age of a  
17      case? Anything that's concerning to you -- like sometimes it  
18      takes a while to get to trial and that's not really something  
19      that we get to talk about a whole lot.

20                 Obviously, COVID affected a lot of things. I wish I  
21      could say that's the only reason, but the criminal justice  
22      system sometimes just moves slow for a lot of different  
23      reasons. Anything about that that's concerning to you or  
24      you're just -- you're just here.

25                 PROSPECTIVE JUROR DOTSON: Just with the witness

1 testimony, if this was a traumatic event, they're going to play  
2 that over and over in their minds all the time. I think even  
3 more detail might come out later on as it goes on, even after  
4 said trial.

5 MS. WHATLEY: Okay. So how do you -- so because of  
6 that statement let me ask you this. How do you determine --  
7 because some of your fellow jurors,  
8 Mr. Dotson, might say well, it's kind of one of those scenarios  
9 where the more times you tell it, the bigger and bigger your  
10 story gets. You know, and like the bigger and bigger your lie  
11 gets. Have you ever heard that?

12 PROSPECTIVE JUROR DOTSON: Yes, ma'am.

13 MS. WHATLEY: So how do you determine if it's a  
14 situation like what Mr. Jilge said or what Mr. Black said  
15 about, you know, it being these -- more of these details coming  
16 back to me versus it being this story that gets bigger?

17 Like how do you distinguish between those two things,  
18 you, yourself?

19 PROSPECTIVE JUROR DOTSON: Details and  
20 cross-examination.

21 MS. WHATLEY: Okay. And just trying to -- what are  
22 you trying to determine like when you're listening as a juror?  
23 What are the things that you're trying to figure out?

24 PROSPECTIVE JUROR DOTSON: I'm trying to fit pieces  
25 together. I'm a scientist, engineer. I believe in facts.

1       Numbers have a certain place in the world, physics has its own  
2       place in the world. I categorize it that way.

3                 MS. WHATLEY: And what do you do if there is, you  
4       know, a question you have but it doesn't go to one of the  
5       elements?

6                 PROSPECTIVE JUROR DOTSON: Well, I'll have to put  
7       that in the back of my mind because that's all I can do. I  
8       can't ask questions.

9                 MS. WHATLEY: Okay. Ms. Ray, have you ever heard  
10      that like if the victim and the defendant give two different  
11      like versions of stories, like he said versus she said, then  
12      that's enough for reasonable doubt and you, as jurors, don't  
13      have to deliberate?

14                 PROSPECTIVE JUROR RAY: I'm not sure what -- how you  
15      want me to answer that question. Because I'm not sure that you  
16      can just go he said she said. That's -- there's no way to  
17      determine who's lying without further information.

18                 MS. WHATLEY: Okay. Sometimes when people can't ask  
19      my questions -- answer them, it's probably because I asked a  
20      bad one. And that might have just been a bad question.

21                 I guess my point is, is that I have no -- I don't  
22      know whether or not the defendant's going to testify in this  
23      case. I have no idea. He could. He might not. He doesn't  
24      have to. And that's an important thing to note to you guys, is  
25      that he doesn't have to.

1       And you cannot hold it against him if he doesn't.

2              Because this goes back to what I originally said.  
3       The defense doesn't have to prove anything, right? This could  
4       be a scenario where the State gets on a case and our victim  
5       says one thing and the defense [sic] gets on the stand and says  
6       another.

7              So my question to you is, do you think that just  
8       because two parties are saying -- you know, our victim says one  
9       thing, the defendant says another thing, do you think that that  
10       alone means that there's reasonable doubt? Like, okay, well,  
11       there's no reason for us to be here, because she says one  
12       thing, he says something else, so.

13             MR. NEDWICK: Your Honor, may we approach?

14             THE COURT: You may.

15             (Discussion was had at the bench.)

16             MR. NEDWICK: Judge, it's been a really long time, in  
17       my opinion, since Ms. Whatley asked questions of these jurors  
18       about their ability to hear this case.

19             That's fine. But now she's asking them how they're  
20       going to find in this case. And that's definitely across the  
21       line and something that's not proper in front of the jury.

22             And I got to use the restroom. But that's not the  
23       reason I came up.

24             MS. WHATLEY: I'm absolutely just asking questions as  
25       it relates to their ability to ascertain facts and their

1       ability to determine their -- oh, my gosh, I just lost my word  
2       -- their ability to serve as jurors as it relates to how they  
3       will judge the evidence, whether they can be fair, whether they  
4       can follow the law, whether they can be impartial.

5                 I've honestly never had an objection as it relates to  
6       any of the questions that I'm asking.

7       MS. AUSTIN: And since we can't give them a  
8       definition of reasonable doubt, I think it's appropriate to ask  
9       questions about what is reasonable doubt to them and whether or  
10      not this would be something that would be sufficient based on  
11      these facts.

12       MS. WHATLEY: That's where the next line of  
13      questioning is going, where I say the appropriate -- and I have  
14      the case law if the Court needs it about I can't tell you what  
15      reasonable doubt is, but I can tell you what it's not. It's  
16      not beyond all doubt, it's not beyond a shadow of a doubt. All  
17      those things that I say in every jury trial.

18       MR. NEDWICK: And my objection's not to her using the  
19      term reasonable doubt.

20       THE COURT REPORTER: I didn't hear that, Keith,  
21      sorry.

22       MR. NEDWICK: My objection is not to her using the  
23      term reasonable doubt. It is to her saying if he says this and  
24      she says this, are you going to find beyond a reasonable doubt.

25       THE COURT: I don't think she said it that way. I

1 would sustain your objection if she said it that way.

2 I don't think she has.

3 MR. NEDWICK: Okay.

4 THE COURT: So I'm going to overrule the objection.

5 And just so you know, if Ms. Whatley proceeds with asking these  
6 questions, I would allow her to do that. I think that's  
7 appropriate to ask about beyond a reasonable doubt.

8 MR. NEDWICK: Okay.

9 THE COURT: We will take a break for 15 minutes.

10 MS. WHATLEY: Okay. Right now?

11 THE COURT: Yeah.

12 MS. WHATLEY: Okay.

13 (In open court.)

14 THE COURT: All right. Ladies and gentlemen, we're  
15 going to go ahead and take our afternoon break at this time. I  
16 would like you back in so we can start promptly at 3:25. So  
17 you may be excused.

18 (Recess was had.)

19 THE COURT: Ms. Whatley, you may resume.

20 MS. WHATLEY: Thank you, Judge.

21 I won't be too much longer. Before the break we left  
22 off at kind of talking with Ms. Ray. And I might have asked a  
23 bit of a bad question about kind of he said versus she said.

24 And I probably should have started that by making  
25 sure that each one of you realized that as jurors, you get to

1 decide what the facts are. That's why you guys are here. The  
2 State of Oklahoma and the defense, we don't agree as to what  
3 the facts are. The judge, he gets to decide what the law is,  
4 okay.

5                   So he'll get to decide what specific  
6 instructions you receive at the end of the case, what elements  
7 you receive at the end of the case. And he'll make specific  
8 rulings when we're up arguing things outside of your presence  
9 because you don't get to hear that.

10                  But you have to decide what the facts are, right. And  
11 so my question was based on how do you decide what the facts  
12 are when you have maybe two different versions. And I don't  
13 know that there will be -- I don't know if the defendant's  
14 going to testify. He may. He may not. He doesn't have to.

15                  How do you decide that?

16                  PROSPECTIVE JUROR RAY: Well, you're asking me to  
17 make an assumption on something I have not heard yet.

18                  MS. WHATLEY: Right. It's difficult.

19                  PROSPECTIVE JUROR RAY: So I can only say it would  
20 just depend on what is said. Because, you know, viability of  
21 what is said, what the -- any other facts that may come up that  
22 are there. If there's any other evidence outside of that.

23                  I mean, I can't say who I would say is right, because  
24 I have not heard anything yet.

25                  MS. WHATLEY: Oh, I don't want you to. I would never

1 want you to say how you would decide something or anything like  
2 that.

3 My question to you was how do you determine -- like  
4 how are you going to make decisions when we've got one person  
5 saying this, another saying something else?

6 How are you going to determine, you know, which side is going  
7 to be -- what the facts are when you've got two competing  
8 sides, I guess is the way that I'm asking it to you.

9 PROSPECTIVE JUROR RAY: Well, like I was saying, it  
10 just depends on what other evidence is presented as well as  
11 what is said. Because I mean, it's just -- I don't know how  
12 I'm going to just say, okay, well, he has to say this or she  
13 has to say that or they have to do this or do that, because you  
14 don't know until you actually hear them.

15 MS. WHATLEY: Okay. And I didn't catch that last  
16 part.

17 PROSPECTIVE JUROR RAY: Until you actually hear what  
18 is said and what evidence is brought to you. I mean, it's --

19 MS. WHATLEY: Just judging it based off the testimony  
20 --

21 PROSPECTIVE JUROR RAY: If that's all I'm given,  
22 then, yes, I'm going to have to hear the testimony before I  
23 could say how I'm going to determine. Because I can't decide  
24 what my future self is going to do.

25 MS. WHATLEY: What about you, Ms. Langford?

1                   PROSPECTIVE JUROR LANGFORD: I think it's  
2 just -- it's just watching and listening, understanding, maybe  
3 looking at social cues, how they're responding to questions.

4                   I would assume there's going to be like  
5 cross-examination, how they're responding. If a question is  
6 asked a different way, is it the same type of response, has it  
7 changed, why has it changed. I mean, there's just a lot of  
8 different things to take into consideration.

9                   MS. WHATLEY: I'm going to test you a little bit.  
10 See if you were paying attention all the way back to the very  
11 beginning and my son and his love of the Oreos.

12                  So in the example of my son getting into the Oreos,  
13 if I had told you that my son said I did not get into the  
14 Oreos, and I am on the other side of that and I'm like, yeah,  
15 he did. Because the pantry was open, the -- he had Oreos all  
16 over his face. He had -- the little stepladder was up to the  
17 pantry. The door was open.

18                  Kind of how do you determine with those two competing  
19 versions.

20                  PROSPECTIVE JUROR LANGFORD: So how would I determine  
21 that? You would take the circumstantial evidence into  
22 consideration.

23                  MS. WHATLEY: So just based on the testimony and  
24 evidence that you hear in this case, along with other jurors,  
25 right, and what they hear?

1 PROSPECTIVE JUROR LANGFORD: Right.

2 MS. WHATLEY: All together, because you'll have to  
3 deliberate together.

4 PROSPECTIVE JUROR LANGFORD: Right.

5 MS. WHATLEY: Okay. What about you Ms. -- is it  
6 Corrales? Make sure I'm staying that right.

7 PROSPECTIVE JUROR CORRALES: Yes, ma'am.

8 MS. WHATLEY: How would you determine things?  
9 If you're trying to determine -- you got two sides and they  
10 each say different things, how do you determine what the facts  
11 are?

12 PROSPECTIVE JUROR CORRALES: Maybe credibility.

13 MS. WHATLEY: Okay. How do you judge credibility?

14 PROSPECTIVE JUROR CORRALES: Not really sure. Maybe  
15 by actions or things that they have done in the past. Some  
16 things they have shown honorable action in the past.

17 MS. WHATLEY: But you won't know about -- like  
18 obviously you won't -- you won't know these people from the  
19 past, right, or you wouldn't be able to be jurors in this case.

20 PROSPECTIVE JUROR CORRALES: Yeah.

21 MS. WHATLEY: Ms. Langford mentioned things like body  
22 language sometimes, how someone's behaving, right?

23 PROSPECTIVE JUROR CORRALES: Right.

24 MS. WHATLEY: Maybe how they act on the stand, the  
25 way in which they answer questions maybe?

1 PROSPECTIVE JUROR CORRALES: Yeah, absolutely.

2 MS. WHATLEY: Does everybody agree with those answers  
3 that Ms. Langford and Ms. Corrales gave in terms of just kind  
4 of how to decide what the facts are?

5 (Prospective jurors indicated in the affirmative.)

6 MS. WHATLEY: Does anybody have any issues -- because  
7 as jurors in this case, once you go back to deliberate, you  
8 won't be able to talk about the case together as the trial's  
9 happening. You don't get to talk about what's happening in the  
10 trial until it's submitted to you and you're deliberating, and  
11 then that's when you get to talk about it.

12 Does anybody have issues, you know, taking into  
13 consideration what other people say or what other people  
14 remember? Maybe they remembered something differently than  
15 you. Does anybody have any issues with that?

16 Mr. Hubbard, do you have any issues with that?

17 PROSPECTIVE JUROR HUBBARD: No.

18 MS. WHATLEY: No. You're good with that.

19 PROSPECTIVE JUROR HUBBARD: (Indicated in the  
20 affirmative.)

21 MS. WHATLEY: What about you, Ms. Marino?

22 PROSPECTIVE JUROR MARINO: You have to go by all the  
23 evidence presented.

24 MS. WHATLEY: But what if Mr. Hubbard's like, man, I  
25 remember it, you know, slightly different than you do,

1 Ms. Marino?

2 PROSPECTIVE JUROR MARINO: Well, that's based on --  
3 sometimes somebody's point of view comes into play.

4 MS. WHATLEY: Right. Okay. So are you comfortable  
5 discussing that with Mr. Hubbard though?

6 PROSPECTIVE JUROR MARINO: If, you know -- we as a  
7 jury, if we are deliberating, that's the whole point is to  
8 discuss what we've heard --

9 MS. WHATLEY: Right.

10 PROSPECTIVE JUROR MARINO: -- and what's been  
11 presented, and how does everybody feel about that. Or do you  
12 feel it's true, is it false, is somebody being truthful, are  
13 they lying.

14 MS. WHATLEY: Right. Are you comfortable with doing  
15 that, with having those discussions with other jurors if you're  
16 selected as a juror?

17 PROSPECTIVE JUROR MARINO: Yes.

18 MS. WHATLEY: Okay. We have talked a little bit  
19 about, you know, a case of this type and a case of this nature.  
20 Does anybody think that -- has anybody given any sort of  
21 thought about like what someone's charged with this type of  
22 crime would need to look like?

23 (Prospective jurors indicated in the negative.)

24 MS. WHATLEY: No. Mr. Dotson, you're kind of looking  
25 at me with a bewildered look on your face that I can't help but

1 notice. So sorry to have to call you out, but what --

2 PROSPECTIVE JUROR DOTSON: Go ahead.

3 MS. WHATLEY: Tell me what that look is for.

4 PROSPECTIVE JUROR DOTSON: This type of a deal can be  
5 from any type, color, size, shape, whatever. I don't see it as  
6 a certain person's going to have this certain look, you know,  
7 with fangs and horns and all this kind of stuff. This could be  
8 any person. So I don't really see that any person would have a  
9 look --

10 MS. WHATLEY: Right.

11 PROSPECTIVE JUROR DOTSON: -- of being guilty.

12 MS. WHATLEY: People who commit crimes like this  
13 could be any shape, any size, any gender, any, race. I don't  
14 have to prove that someone looks a certain way or anything like  
15 that, correct?

16 PROSPECTIVE JUROR DOTSON: Correct.

17 MS. WHATLEY: Okay. I know it sounds silly to you  
18 when I asked that question, which that's why I locked on your  
19 face there.

20 Does anybody -- does everybody agree with  
21 Mr. Dotson?

22 (Prospective jurors indicated in the affirmative.)

23 MS. WHATLEY: Okay. So going back a little bit to  
24 the questions and the -- kind of the comments that we've made  
25 about kind of the legal shows that we've talked about.

1     Everybody has heard -- or I would assume everyone has heard of  
2     beyond a reasonable doubt. If you have not heard of that,  
3     raise your hand.

4                 (No response from the prospective jurors.)

5                 MS. WHATLEY: It's pretty -- you've heard of beyond a  
6     reasonable doubt. The State of Oklahoma has to prove to you  
7     each of those elements that the judge will provide you to at  
8     the close of the case, like my granny's potato soup, beyond a  
9     reasonable doubt.

10                And here's the kicker. You're not going to get an  
11     instruction -- you're not going to get one about what beyond a  
12     reasonable doubt means. You won't get one. And I'm not  
13     allowed to tell you -- nobody is allowed to tell you what  
14     reasonable doubt is.

15                I get to tell you what reasonable doubt isn't, right?  
16     So it's not beyond all doubt. It's not beyond a shadow of a  
17     doubt.

18                So Mr. Brown, why do you think that beyond a  
19     reasonable doubt is not beyond a shadow of a doubt? Like to  
20     know something beyond a shadow of a doubt or to know something  
21     beyond all doubt for you, like what would have to happen?

22                PROSPECTIVE JUROR BROWN: I mean, what's a shadow of  
23     a doubt mean?

24                MS. WHATLEY: Well, let's just say beyond all doubt.

25                PROSPECTIVE JUROR BROWN: All doubt.

1 MS. WHATLEY: Yeah.

2 PROSPECTIVE JUROR BROWN: Well, if it's beyond all  
3 doubt, I wouldn't say he's guilty. It would have to be proven  
4 to me that he's guilty before I said yeah.

5 MS. WHATLEY: Right. But like the burden of proof is  
6 beyond a reasonable doubt, okay. And I said but beyond a  
7 reasonable doubt is not beyond all doubt. But I might be  
8 asking -- it's probably me. It's not you, it's me. I'm  
9 probably asking the question the wrong way.

10 So maybe I should -- I'm going to try this with Mr.  
11 Jilge. You got to come through for me, all right? What --  
12 beyond all doubt, okay. To prove something -- and I've already  
13 told you beyond a reasonable doubt does not mean beyond all  
14 doubt.

15 But if I were to have to prove something to you  
16 beyond all doubt, for you to know something, Mr. Jilge, beyond  
17 all doubt, like what would have to happen?

18 PROSPECTIVE JUROR JILGE: You would have to have hard  
19 proof beyond all doubt. Shadow of a doubt or beyond a  
20 reasonable doubt would mean that there is -- there is some room  
21 there, but I believe based on the evidence provided that it  
22 happened.

23 MS. WHATLEY: Do you -- like just you as a person, if  
24 somebody were to prove something to you beyond all doubt, would  
25 it be like -- is this a situation in which like maybe you would

1 have to be there? Like I would have to see it with my own two  
2 eyes?

3 PROSPECTIVE JUROR JILGE: Possibly.

4 MS. WHATLEY: Like I would have to be in that room or  
5 I would have to be at the scene of that crime or something like  
6 that?

7 PROSPECTIVE JUROR JILGE: If my kid walked up with  
8 the Oreos in his teeth and then told me he didn't eat Oreos --

9 MS. WHATLEY: Yeah.

10 PROSPECTIVE JUROR JILGE: -- that's beyond --

11 MS. WHATLEY: For you, you're good.

12 PROSPECTIVE JUROR JILGE: -- all doubt. I know he  
13 ate the Oreos.

14 MS. WHATLEY: My kid, he's not a good liar.

15 Not yet anyway. He might get better later, but right now he's  
16 not good.

17 Okay. What about you, Mr. Hubbard, like for you to  
18 know something beyond all doubt, like would you have to be  
19 there?

20 PROSPECTIVE JUROR HUBBARD: Not necessarily.

21 If there was a video or -- I wouldn't say photos, because it  
22 depends on that.

23 MS. WHATLEY: Yeah. And so does it make sense to you  
24 that the burden of proof for the State isn't beyond all doubt  
25 because I mean -- well, let me ask it like this.

1           Do you think that in all the crimes I prosecute that  
2 we have video in all of them?

3           PROSPECTIVE JUROR HUBBARD: No.

4           MS. WHATLEY: I mean, heck, I wish. That would be  
5 great. That would make my job really easy.

6           But does that make sense to you why we  
7 wouldn't -- why that wouldn't be the burden of proof?

8           PROSPECTIVE JUROR HUBBARD: Yes.

9           MS. WHATLEY: Like beyond all doubt, that's pretty  
10 hard.

11          PROSPECTIVE JUROR HUBBARD: Uh-huh.

12          MS. WHATLEY: It's pretty hard to have that kind of  
13 evidence in every single crime, right?

14          PROSPECTIVE JUROR HUBBARD: That's a fact.

15          MS. WHATLEY: Yeah. Then beyond all doubt, sometimes  
16 maybe you want to be there, right, or like witness it with your  
17 own eyes. And if you're a witness to a crime, you can't be  
18 what?

19          PROSPECTIVE JUROR HUBBARD: On the jury.

20          MS. WHATLEY: Can't be on the jury, right.

21          Okay. Does anybody have a problem with the burden of proof?

22          Like I'm up here saying -- like Ms. McIntire, I'm up  
23 here saying, you know, the burden of proof is beyond a  
24 reasonable doubt. Are you like, I kind of think maybe it  
25 should be, you know, beyond all doubt or beyond a shadow of a

1 doubt.

2 PROSPECTIVE JUROR MCINTIRE: You have confused me  
3 with all the doubt. Like literally I'm confused. So I would  
4 say in relation to beyond all doubt, I would want some hard  
5 evidence. I either want an eyewitness, I want to see it with  
6 my own eyes. I want -- but if it's reasonable doubt, I would  
7 say it would include personal accounts of a story, I don't know  
8 how to word it, or what exactly you're asking.

9 MS. WHATLEY: Yeah. So maybe I can clarify.  
10 And thank you for being honest. I can be very confusing. And  
11 it can be a confusing thing, because the law says that I'm not  
12 allowed to tell you what beyond a reasonable doubt means, okay?

13 PROSPECTIVE JUROR MCINTIRE: I thought I knew what it  
14 meant.

15 MS. WHATLEY: Right.

16 PROSPECTIVE JUROR MCINTIRE: Now I don't know that I  
17 know what it means.

18 MS. WHATLEY: The law's very fun that way. So I  
19 can't tell you what it means. You guys get to decide that  
20 collectively as a jury. But the law does allow me to say, it's  
21 permissible for me to say beyond a reasonable doubt does not  
22 mean beyond all doubt, beyond a shadow of a doubt. Those are  
23 things that it does not mean, right?

24 I don't make the rules. I just got to play by them,  
25 right? So sorry for the confusion. And so the point was, does

1 it make sense to you that the burden of proof would be that  
2 beyond a reasonable doubt and not this beyond all doubt or  
3 beyond a shadow of a doubt, because the things that would be  
4 necessary to prove to people beyond all doubt or beyond a  
5 shadow of a doubt would be like videos --

6 PROSPECTIVE JUROR MCINTIRE: Things you don't have,  
7 right.

8 MS. WHATLEY: -- or you being there in person.

9 PROSPECTIVE JUROR MCINTIRE: Right.

10 MS. WHATLEY: But, you know, reasonably speaking, we  
11 wouldn't always have, and then people would benefit by  
12 committing these crimes without a video or something like that.

13 PROSPECTIVE JUROR MCINTIRE: Right.

14 MS. WHATLEY: Did that help at all? I sure hope so.

15 PROSPECTIVE JUROR MCINTIRE: Did it help you?

16 MS. WHATLEY: Did it help you.

17 PROSPECTIVE JUROR MCINTIRE: Some. I mean, yeah, I  
18 think I get what you're saying.

19 MS. WHATLEY: Yeah. Are you okay with that burden of  
20 proof, beyond a reasonable doubt, because that's what it is?

21 PROSPECTIVE JUROR MCINTIRE: Yes.

22 MS. WHATLEY: That's what it is.

23 PROSPECTIVE JUROR MCINTIRE: I'm getting the  
24 impression there's not going to be beyond all doubt.

25 MS. WHATLEY: Nope. That's not what the burden of

1 proof is.

2 PROSPECTIVE JUROR MCINTIRE: Right.

3 MS. WHATLEY: You will get an instruction that the  
4 State of Oklahoma has to prove each and every element of the  
5 crime that -- Judge Balkman will give you the elements. Can't  
6 give them to you now. You will get them and it will say that  
7 we have to prove each element of those crimes beyond a  
8 reasonable doubt.

9 But you will not get an instruction as to what beyond  
10 a reasonable doubt means.

11 PROSPECTIVE JUROR MCINTIRE: Right.

12 MS. WHATLEY: Collectively you guys get to decide  
13 that.

14 PROSPECTIVE JUROR MCINTIRE: Do we get to take notes?

15 MS. WHATLEY: Yes. You get to take notes.

16 PROSPECTIVE JUROR MCINTIRE: Okay.

17 MS. WHATLEY: I think I can answer that. I hope so.

18 THE COURT: Yes, you may. I'll give you some more  
19 instructions about that when we start.

20 PROSPECTIVE JUROR MCINTIRE: Okay.

21 MS. WHATLEY: Better to ask for forgiveness than  
22 permission.

23 What about you, Ms. Moore? Have I thoroughly  
24 confused you as well? Because I'm doing a terrible job if I've  
25 confused everyone. It happens.

1 PROSPECTIVE JUROR MOORE: I think there was a little  
2 bit more clarification towards the end of that.

3 MS. WHATLEY: Okay. All right. Thank goodness I'm  
4 not a teacher. So yeah, the burden of proof is beyond a  
5 reasonable doubt. Are you good with that?

6 PROSPECTIVE JUROR MOORE: Yes.

7 MS. WHATLEY: Okay. Do you want to hold me to a  
8 higher standard than beyond a reasonable doubt?

9 PROSPECTIVE JUROR MOORE: What do you mean?

10 MS. WHATLEY: Well, some people are like, man, you  
11 know, somebody -- there's stiff punishment on the other end of  
12 this, right?

13 PROSPECTIVE JUROR MOORE: Right.

14 MS. WHATLEY: And if I'm going to have to sentence  
15 somebody -- if I find somebody guilty, the punishment is harsh.  
16 And so if that's what I'm going to have to punish somebody to,  
17 man, I'd really like for the burden of proof to be, you know,  
18 beyond all doubt.

19 PROSPECTIVE JUROR MOORE: Ask your question again.  
20 Do I want to hold you to a higher standard?

21 MS. WHATLEY: Yeah.

22 PROSPECTIVE JUROR MOORE: I mean, wouldn't we all, I  
23 guess.

24 MS. WHATLEY: I can't hear you.

25 PROSPECTIVE JUROR MOORE: I said wouldn't we all.

1       But I mean, if you -- we don't have those things that we would  
2       need to prove, you know, beyond all doubt, so.

3           MS. WHATLEY: Are you comfortable just following the  
4       law as Judge Balkman gives it to you and following the law as  
5       to what I have to prove to you?

6           PROSPECTIVE JUROR MOORE: Yes.

7           MS. WHATLEY: And holding me to that?

8           PROSPECTIVE JUROR MOORE: Absolutely.

9           MS. WHATLEY: Not making me prove anymore?

10          PROSPECTIVE JUROR MOORE: Right.

11          MS. WHATLEY: And not making the State of Oklahoma  
12       prove anything less. Because the State of Oklahoma wants you  
13       to hold us to our burden, right. We want you to hold us to our  
14       burden of. We're happy to prove that to you guys.

15          Ms. Curry, have I also just confused the heck out of  
16       you too? Gosh, I hope not. Is that O for three today?

17          PROSPECTIVE JUROR CURRY: Not really.

18          MS. WHATLEY: Okay. How do you feel about the burden  
19       of proof, it being beyond a reasonable doubt? Are you good  
20       with that?

21          PROSPECTIVE JUROR CURRY: Yeah.

22          MS. WHATLEY: Okay. Think that that's the way that  
23       it should be?

24          PROSPECTIVE JUROR CURRY: Yeah. Because sometimes  
25       it's all you can get.

1 MS. WHATLEY: Okay. Are you comfortable with that?

2 PROSPECTIVE JUROR CURRY: Uh-huh.

3 MS. WHATLEY: Okay. What do you -- Mr. Hill, what do  
4 you think about the burden of proof, it being beyond a  
5 reasonable doubt? How are you feeling?

6 PROSPECTIVE JUROR HILL: Well, as a parent, you never  
7 have all -- I mean, there's plenty of situations where I have  
8 to use reasonable doubt. I don't always have the facts.

9 MS. WHATLEY: Uh-huh.

10 PROSPECTIVE JUROR HILL: But say my daughter is  
11 crying in her room and my older daughters says she tripped and  
12 fell, but my daughter's not likely to trip and fall but the  
13 older one's mean, then there's doubt there. You know, she's in  
14 the room playing with her.

15 MS. WHATLEY: Yeah. So how -- are you basing those  
16 decisions off like the personalities that you know about your  
17 children?

18 PROSPECTIVE JUROR HILL: Yes, and my experiences  
19 directly with them.

20 MS. WHATLEY: Okay. Are you -- in this trial, are  
21 you comfortable with holding the State to their burden of proof  
22 as beyond a reasonable doubt?

23 PROSPECTIVE JUROR HILL: Fully.

24 MS. WHATLEY: Okay. What about -- I'm going to talk  
25 to you for a second about punishment. You heard a little bit

1 about punishment from Judge Balkman. And I want to spend a  
2 little bit of time talking with you about punishment, because  
3 that's really important.

4           Because you know, your first job as jurors is going  
5 to be to decide what the facts are, right? That's your first  
6 job. And then your second job is if -- is to determine if you  
7 found the State of Oklahoma has proved each and every element  
8 of those crimes beyond a reasonable doubt, is going to be a  
9 punish. And those are your options.

10           There's not going to be any counseling as an option,  
11 probation is not an option. Like punishment is the option.  
12 How do you feel about that?

13           PROSPECTIVE JUROR HILL: As it should for this  
14 specific charge. I don't think they're hard enough.

15           MS. WHATLEY: Well, I didn't catch that last part.

16           PROSPECTIVE JUROR HILL: I don't think they're hard  
17 enough.

18           MS. WHATLEY: Okay. So did everybody hear what Mr.  
19 Hill said? Like for this specific charge, he has no problem  
20 with that.

21           (Prospective jurors indicated in the affirmative.)

22           MS. WHATLEY: Okay. Let's go to Mr. Dotson.  
23 How do you feel about the punishment part? Because we always  
24 -- I ask these questions -- we get to this part of me asking  
25 questions and sometimes people have some feelings about, you

1 know, being able to punish someone.

2 PROSPECTIVE JUROR DOTSON: Well, I understand the  
3 law. The law is the law. That's how we go. These charges are  
4 brought, and the defendant is found guilty, we have to go  
5 within the boundaries that we -- have been set. I take no  
6 pleasure in it, but I will follow the law.

7 MS. WHATLEY: Okay. What if you don't agree with the  
8 law?

9 PROSPECTIVE JUROR DOTSON: Well, that means I need to  
10 run for office and try to change the law.

11 MS. WHATLEY: Right. Yeah. Because do we change the  
12 law here?

13 PROSPECTIVE JUROR DOTSON: No, ma'am.

14 MS. WHATLEY: No. We change the law at the Capitol,  
15 right?

16 PROSPECTIVE JUROR DOTSON: Yes, ma'am.

17 MS. WHATLEY: And what about -- I'm going to go to  
18 Mr. Garrett because I haven't talked to you in a while. Been  
19 missing you.

20 Mr. Garrett, and we're obviously -- we've proven our  
21 case, right, because if we're talking about punishment, we're  
22 accepting the fact, in my scenario, that the State of Oklahoma  
23 has proved each and every element of the crime beyond a  
24 reasonable doubt, okay?

25 So I'm not trying to trip anybody up with the beyond

1 a reasonable doubt stuff.

2 PROSPECTIVE JUROR GARRETT: I'm with you.

3 MS. WHATLEY: Huh?

4 PROSPECTIVE JUROR GARRETT: I'm with you.

5 MS. WHATLEY: You're with me. I don't want to  
6 confuse anybody else today.

7 But if we've done that and you're at the punishment  
8 stage, we start at 25 years. Start. Are you comfortable with  
9 that?

10 PROSPECTIVE JUROR GARRETT: I would say -- I mean,  
11 it's what the State is granted is -- you know, as you know,  
12 worthy of, I guess, within that time. So I don't know. It's  
13 hard to say. Because I mean, I think it would be depending on  
14 what took place. But it wouldn't -- it wouldn't stop me from  
15 saying -- from that max sentence.

16 MS. WHATLEY: And I might have asked that question in  
17 a way that made it hard for you to answer because I asked you  
18 if you were comfortable with it. Comfortable is kind of a weird  
19 way to ask it. I probably should have asked, can you do that.

20 PROSPECTIVE JUROR GARRETT: Yes.

21 MS. WHATLEY: Because comfortable -- I mean, it can  
22 be a difficult thing to do, right?

23 PROSPECTIVE JUROR GARRETT: Yes.

24 MS. WHATLEY: I'm sure things like that aren't  
25 comfortable. But I guess can you do that?

1 PROSPECTIVE JUROR GARRETT: Yes.

2 MS. WHATLEY: What about you, Mr. Grogan?

3 PROSPECTIVE JUROR GROGAN: Yes. I would also be  
4 comfortable with that.

5 MS. WHATLEY: Okay. Do you have issues with the fact  
6 that you start at 25 years?

7 PROSPECTIVE JUROR GROGAN: No. That's the measure of  
8 what's been given to us. I wouldn't have a problem with that.

9 MS. WHATLEY: Do you agree with Mr. Dotson that if  
10 you did disagree or you had some problem with whatever range of  
11 punishment was given that you could go deal with that up at the  
12 Capitol?

13 PROSPECTIVE JUROR GROGAN: Yeah. That has no bearing  
14 on these proceedings.

15 MS. WHATLEY: Does anybody, by a show of hands, have  
16 a problem with the range of punish? And the reason why I ask  
17 that, kind of thinking about that, but the reason why I asked  
18 that is, again, we've got to have people who can follow the  
19 law. We have to have unbiased jurors, right.

20 So we have to have people who can follow the law that  
21 Judge Balkman gives them. And if you can't follow the law,  
22 then you can't be a fair and impartial juror in this case,  
23 right?

24 So does anybody have a problem with following the law  
25 as it relates to punishment? Again, if the State of Oklahoma

1 has met their burden of proof.

2 (Prospective jurors indicated in the negative.)

3 MS. WHATLEY: Okay. This is one of the questions  
4 that I like to ask when I'm nearing the end. Does anybody -- is  
5 there anything that any of you believe, man, gosh, Ms. Whatley  
6 didn't ask me this. And if I were her, I think there's  
7 something I should have let her know. Like there's a reason  
8 why, you know, I wouldn't be a good juror in this case.

9 As an example, I recently got hit by a semi truck on  
10 I-35. If this were about a car accident with a semi truck like  
11 hitting, you know, a person on the interstate or a person in a  
12 vehicle anywhere, I would not be a good juror to sit on the  
13 jury in that case, right?

14 Anybody have any -- anything like that that, you  
15 know, has came up and now that you're sitting there you're  
16 like, oh, man, I don't think that that would make me a good  
17 juror in this case?

18 (Prospective jurors indicated in the negative.)

19 MS. WHATLEY: No? Nobody? Okay.

20 Can I have a moment, your Honor?

21 THE COURT: Yes.

22 MS. WHATLEY: Your Honor, the State passes this panel  
23 for cause.

24 THE COURT: Thank you, Ms. Whatley.

25 Mr. Nedwick.

1                   MR. NEDWICK: Thank you, your Honor.

2                   Good afternoon. The judge told you earlier my name  
3 is Keith Nedwick. It's been a while. Give you a little  
4 background. This is Charles Douglas. This is our client,  
5 Dallas Norton. He's the person that's on trial here this week.

6                   Mr. Douglas and I are both local attorneys. We're  
7 just across the street, have been for quite some time. Mr.  
8 Douglas much, much longer than me. As you can probably see.  
9 It's pretty obvious.

10                  But anyway, I very much appreciate your participation  
11 up to this point. And I know it's late already. It's 4:00 in  
12 the afternoon. And you guys have been asked questions all  
13 morning, which is never fun, especially in front of strangers.

14                  I'm not all that comfortable in front of strangers  
15 myself. You may scratch your head and maybe Mr. Norton will  
16 too and say well, why are you my attorney if you don't like  
17 talking to strangers. I'll deal with that some other time.  
18 It's coming up. I have to ask myself that sometimes.

19                  But very important that as much as you guys are  
20 getting a little fatigued here at the end of the day, as am I,  
21 that, please -- this is very important to me and to Mr. Norton  
22 and to Mr. Douglas that you participate like you were earlier.  
23 That was very useful, your participation when the State was  
24 asking you questions.

25                  And really, if you would just bear with us and do the

1 same for the next hour or so. But truly participate. We would  
2 really, really appreciate it, because it is very, very  
3 important.

4 Let me start off by taking on a task that might be a  
5 little difficult for me, but it seemed to cause a lot of  
6 confusion. So we'll start there, the beyond a reasonable  
7 doubt.

8 Now, if I start to mess this up, I'm just going to  
9 move on because I don't want to make it more confusing. Some  
10 of you indicated earlier that you had been parties to civil  
11 trials. Who were some of those people?

12 (Prospective jurors raise hands.)

13 MR. NEDWICK: Were you the person that had sued  
14 somebody over --

15 PROSPECTIVE JUROR KAELIN: A car wreck.

16 MR. NEDWICK: A car wreck. So did you actually go to  
17 trial?

18 PROSPECTIVE JUROR KAELIN: We did. Well, no, we went  
19 in front of a judge.

20 MR. NEDWICK: Okay. And that was a civil trial. You  
21 were asking for money damages.

22 PROSPECTIVE JUROR KAELIN: Yes.

23 MR. NEDWICK: I remember that was your --

24 PROSPECTIVE JUROR KAELIN: My dad suing my mom.

25 MR. NEDWICK: Suing your mom, correct. Just because

1       the insurance companies didn't want to pay.

2                   PROSPECTIVE JUROR KAELIN: Yes.

3                   MR. NEDWICK: I gotcha. Okay. Well, in that civil  
4 trial -- the burden of proof in that civil trial and in every  
5 civil trial where you're asking for money damages in Oklahoma,  
6 the burden of proof is called preponderance of the evidence.

7                   So preponderance of the evidence means what?

8       Mr. Axton, what is that? Proof by a preponderance of the  
9 evidence?

10          PROSPECTIVE JUROR AXTON: I don't know.

11          MR. NEDWICK: Okay. Just means by the greater weight  
12 of the evidence. Slightly more than 50/50, okay?

13          So all you had to do -- kind of the way we judge  
14 everything else outside of the courtroom, if you believe it  
15 slightly more than you disbelieve it, then that's by a  
16 preponderance of the evidence, and you would find for the  
17 plaintiff.

18          So there's another standard of proof that's called  
19 clear and convincing evidence. Has anybody ever heard that  
20 term?

21          (Prospective jurors indicated in the affirmative.)

22          MR. NEDWICK: Well, the most common in  
23 Oklahoma -- most common types of cases where that is the  
24 standard of proof is when the State is trying to take your  
25 children away from you. They don't get to come in with a

1 preponderance of the evidence and take your children away.  
2 They have to have clear and convincing evidence, which is  
3 higher than a preponderance of the evidence.

4 So here we are. We start off with preponderance when  
5 you're looking for money in a lawsuit. Clear and convincing  
6 when the State is trying to take your children away. And proof  
7 beyond a reasonable doubt is higher than clear and convincing.

8 So if that gives you an idea -- a better  
9 understanding of what that burden of proof is. Does that help?

10 (Prospective jurors indicated in the affirmative.)

11 MR. NEDWICK: Ms. McIntire?

12 PROSPECTIVE JUROR MCINTIRE: Yes.

13 MR. NEDWICK: So given that standard of proof, the  
14 highest, not only in Oklahoma -- but in any courtroom anywhere  
15 in the world beyond a reasonable doubt is the highest legal  
16 standard that's applied in any courtroom.

17 And in Oklahoma, it applies not only in  
18 Mr. Norton's case, but if any one of you or any of your loved  
19 ones were charged with a crime, that would be the same  
20 standard, beyond a reasonable doubt. The highest burden in the  
21 legal world.

22 Are you comfortable with holding the State to that  
23 legal standard, Ms. McIntire

24 PROSPECTIVE JUROR MCINTIRE: Yes. I think my  
25 confusion was when you are -- I mean, to me, that also sounds

1 like beyond any doubt. When -- if it's -- the highest possible  
2 standard is beyond a reasonable doubt, that also sounds like  
3 beyond any doubt. So that's where my confusion was.

4 MR. NEDWICK: Yeah. And I guess the State was  
5 distinguishing it from a mythical or a -- not a recognized  
6 legal standard, beyond all doubt. They were distinguishing it  
7 from that. Whereas I'm showing you within the legal system  
8 where it plays out. And it is the highest standard.

9 Ms. Ray, what do you think about that? That we hold  
10 the State to a burden, the highest burden anywhere in the legal  
11 world when they're trying to put somebody in prison?

12 PROSPECTIVE JUROR RAY: Well, it's making sure that  
13 people who are innocent are not going to prison.  
14 And it's making sure that there's no doubt beyond what a  
15 reasonable person would believe.

16 MR. NEDWICK: And do you think that's the right way  
17 to go about it?

18 PROSPECTIVE JUROR RAY: Well, I'm not a lawyer. So  
19 that's kind of -- I mean, I'm -- I don't know how -- can you  
20 say that -- can you restate the question.

21 MR. NEDWICK: Let me do it this way, Ms. Ray.  
22 If you would pass the microphone back to Mr. Hill. He said  
23 something a few moments ago.

24 Mr. Hill, you were talking about when your kids are  
25 arguing or fighting or they've done something wrong, you don't

1 apply a beyond a reasonable doubt standard, do you?

2 PROSPECTIVE JUROR HILL: Actually, all the time I  
3 apply a reasonable doubt standard. I almost never have  
4 complete evidence. Like, I have to see her trip the other one  
5 for like an example in order to have full doubt or no doubt at  
6 all. But reasonable doubt, pretty every decision in the house.

7 MR. NEDWICK: Okay. We make decisions every day that  
8 aren't the highest legal -- like preponderance of the evidence.  
9 You listen to your kids, one's telling this story, the other  
10 one's telling you another story.

11 PROSPECTIVE JUROR HILL: Yes. I see what you mean.  
12 Yes, I use that more than reasonable doubt, yes, sir.

13 MR. NEDWICK: That's what we do. Nobody walkings  
14 around -- we don't have -- you're what, 20 --

15 PROSPECTIVE JUROR HILL: Twenty-eight.

16 MR. NEDWICK: Twenty-eight. You don't have 28 years  
17 of experience of applying this beyond a reasonable doubt  
18 standard. You have 28 years of experience looking at things on  
19 a preponderance, trying to be fair. And defining that fair by  
20 there's a little bit -- I feel a little bit more confident,  
21 just slightly more confident about this, so that's how I'm  
22 going to make my decision.

23 So that's a little different. It's big time  
24 different in the courtroom in this case, Ms. Ray. And that's  
25 kind of what I'm getting at when I asked you what do you think

1 about it and are you comfortable with it. Because it's not  
2 really second nature to us.

3           Whether we recognize it or not, we don't make  
4 decisions outside of this courtroom based upon beyond a  
5 reasonable doubt. We make them on a preponderance.

6           PROSPECTIVE JUROR RAY: Okay. So what's the actual  
7 question you're asking me?

8           MR. NEDWICK: Do you think that it is fair to hold  
9 the State to that highest burden before allowing you to  
10 consider convicting a criminal defendant?

11           PROSPECTIVE JUROR RAY: Yes.

12           MR. NEDWICK: Okay. Anybody have a problem with that  
13 legal standard, that highest legal standard?

14           (Prospective jurors indicated in the negative.)

15           MR. NEDWICK: Nobody? Anybody -- so everybody was  
16 kind of confused about reasonable doubt. But does everybody  
17 feel a little more comfortable now about understanding what  
18 reasonable -- beyond a reasonable doubt is?

19           (Prospective jurors indicated in the affirmative.)

20           MR. NEDWICK: If you would, raise your hand if you  
21 feel comfortable now that you understand what it is.

22           (Prospective jurors raise hands.)

23           MR. NEDWICK: Okay. Now, the -- Ms. Whatley talked  
24 to Mr. Jilge quite a bit about his auto accident. And I'm going  
25 to do the same a little bit. Forgive me. And you are

1 dominating the air time here in this courtroom. And that's  
2 sometimes the way it goes.

3 I think you were asked at one point are you less  
4 nervous this time than you were the first time. And I have a  
5 feeling you were going to answer not really, it's the same for  
6 me. Because you're very comfortable -- probably more  
7 comfortable than the rest of us talking in an environment like  
8 this, aren't you?

9 PROSPECTIVE JUROR JILGE: I get paid to speak for a  
10 living more or less.

11 MR. NEDWICK: That makes sense now. Okay. So you  
12 said that your accident happened off of Highway 9?

13 PROSPECTIVE JUROR JILGE: No. It was Anderson Road.  
14 84th street. 84th Street or Anderson Road. Same thing.

15 MR. NEDWICK: And I thought you went into amazing  
16 detail about not only how the accident happened, but also some  
17 surrounding events. How long ago was it?

18 PROSPECTIVE JUROR JILGE: Roughly, 24 years ago.

19 MR. NEDWICK: Twenty-four years ago. And yet you  
20 were still able to tell us not only what happened, but where  
21 you had been before, what you were wearing.

22 Not the color, but everything right down to your shoes, what  
23 you were wearing.

24 PROSPECTIVE JUROR JILGE: I remember the song too.

25 MR. NEDWICK: And the song. Oh, you --

1                   THE COURT: Did you tell us?

2                   PROSPECTIVE JUROR JILGE: It's Machinehead.

3                   MR. NEDWICK: Okay. I thought it was kind of amazing  
4 that you remembered that the radio was even on, much less that  
5 it was playing Bush. Now that you say you remember the song,  
6 it's even more impressive.

7                   And some people were asked do they believe you. And  
8 of course, everybody did. You provided a great deal of detail.  
9 And I think Mr. Carmichael acknowledged that. And it came  
10 across as very, very believable.

11                  I did want to clarify one thing that I may have  
12 misunderstood. Ms. Whatley said at one point that you  
13 remembered more about the accident later. I understood that as  
14 you learned -- like the rolling over six times, you learned  
15 that from other people. That wasn't so  
16 much --

17                  PROSPECTIVE JUROR JILGE: Some, yes.

18                  MR. NEDWICK: Okay. So you started incorporating  
19 what other people were telling you, some of the information --  
20 the story you told today incorporated what other people told  
21 you about the accident. Is that right?

22                  PROSPECTIVE JUROR JILGE: Yes.

23                  MR. NEDWICK: Okay. And Mr. Carmichael, you believed  
24 him. And, of course, he was very believable.  
25 And plus, there's no reason not to believe him. We don't

1 question people who just randomly tell us about, you know,  
2 their life or what have you.

3 That is very, very different than what we're doing in  
4 the courtroom when somebody's freedom is on the line, wouldn't  
5 you agree?

6 PROSPECTIVE JUROR CARMICHAEL: Correct.

7 MR. NEDWICK: Now, let me ask you the same line of  
8 questions. Actually, I'll ask Mr. Brown.

9 Mr. Brown, if you had just heard Mr. Jilge tell Mr.  
10 Hubbard that this accident took place in Elk City, and then 10  
11 minutes later you heard him tell that same story that he told  
12 all of us, about it happening on Anderson Road, so on and so  
13 forth.

14 If I were to ask you then, did you believe  
15 Mr. Jilge, and his story, what would your answer be?

16 PROSPECTIVE JUROR BROWN: Probably not all of it.

17 MR. NEDWICK: You would start having some doubts as  
18 to whether he was telling us a truthful story or not, wouldn't  
19 you?

20 PROSPECTIVE JUROR BROWN: Correct.

21 MR. NEDWICK: So the fact that he can tell us a story  
22 here in a courtroom and remember things like that is evidence  
23 of his credibility, which Mr. Carmichael and others  
24 acknowledged.

25 But if he starts telling a different story than what

1 he's told already, then his credibility starts to really take a  
2 hit, doesn't it?

3 PROSPECTIVE JUROR BROWN: Yes.

4 MR. NEDWICK: Would you agree with that,  
5 Ms. Counts?

6 PROSPECTIVE JUROR COUNTS: Yes.

7 MR. NEDWICK: What about you, Mr. Dotson?

8 PROSPECTIVE JUROR DOTSON: Absolutely.

9 MR. NEDWICK: Would you expect --  
10 Mr. Carmichael, there was a number of questions asked about if  
11 there was -- an accuser was in control of the situation. Do  
12 you remember those questions that were asked?

13 PROSPECTIVE JUROR CARMICHAEL: Most of those.

14 MR. NEDWICK: Do you remember those? Well, I wanted  
15 to see if you recall those. There were questions asked about,  
16 well, who's in control in a situation where there's child  
17 abuse.

18 PROSPECTIVE JUROR CARMICHAEL: Right.

19 MR. NEDWICK: And I guess the answer was, the  
20 accused.

21 PROSPECTIVE JUROR CARMICHAEL: The accused.

22 MR. NEDWICK: So -- and then a question was asked  
23 about, well, you wouldn't expect there to be any witnesses.  
24 And I think all of you agreed you wouldn't.

25 PROSPECTIVE JUROR CARMICHAEL: Right.

1                   MR. NEDWICK: Because the person in control wouldn't  
2 do something like that around witnesses.

3                   PROSPECTIVE JUROR CARMICHAEL: Right.

4                   MR. NEDWICK: So what about the opposite? What about  
5 if there's an allegation that this was done in a house full of  
6 people? Would that make it less likely true since the accuser  
7 is in control of when it happens and when it doesn't?

8                   Wouldn't you expect them not to do it when there's a  
9 house full of people, Mr. Carmichael?

10                  PROSPECTIVE JUROR CARMICHAEL: You'd expect that, but  
11 there's always different rooms in the house.

12                  MR. NEDWICK: Sure.

13                  PROSPECTIVE JUROR CARMICHAEL: So that's the way I  
14 would look at that.

15                  MR. NEDWICK: Sure. It's not 100 percent either way,  
16 just like it's not 100 percent --

17                  PROSPECTIVE JUROR CARMICHAEL: There's lockable doors  
18 and stuff like that.

19                  MR. NEDWICK: Sure. I think the term that  
20 Ms. Whatley used was these things go on behind closed doors.

21                  PROSPECTIVE JUROR CARMICHAEL: Correct.

22                  MR. NEDWICK: So at a minimum, you would expect a  
23 closed door, wouldn't you?

24                  PROSPECTIVE JUROR CARMICHAEL: Correct.

25                  MR. NEDWICK: So when you are judging the credibility

1 of witnesses, not only is it important to have an open mind and  
2 to think about if they told something differently in the past,  
3 but you have to do it in the context of remember you're doing  
4 that at a different standard, proof beyond a reasonable doubt.

5 That is something that you'll have to keep in mind,  
6 you'll have to remind yourself. Perhaps you'll have to remind  
7 one another back there when you're deliberating. Because,  
8 again, it doesn't come natural for any of us to judge things  
9 beyond a reasonable doubt.

10 One of the other legal concepts that the judge  
11 mentioned in his instructions to you but hasn't been -- haven't  
12 gone over it too much is the presumption of innocence.  
13 Everybody's familiar with the term that you're presumed  
14 innocent, correct

15 (Prospective jurors indicates inned the affirmative.)

16 MR. NEDWICK: But that's not the way we judge things  
17 outside of a courtroom, is it?

18 Mr. Hubbard, when you're at home and you're watching  
19 television and you hear on the news that somebody's been  
20 charged with child abuse, do you automatically think, well,  
21 we'll see if he did it or he didn't do it or do you have that  
22 initial reaction of well, that's a really bad guy?

23 PROSPECTIVE JUROR HUBBARD: I don't have that initial  
24 reaction that he's a really bad guy because the way things have  
25 turned out, you never know. And it could be false accusations

1 and whatever.

2 MR. NEDWICK: So you're familiar enough with the idea  
3 that false accusations do happen?

4 PROSPECTIVE JUROR HUBBARD: Oh, yeah.

5 MR. NEDWICK: Ms. Counts, you and I have more in  
6 common than you could ever imagine. You said you're from  
7 Mississippi.

8 PROSPECTIVE JUROR COUNTS: Yes, sir.

9 MR. NEDWICK: What part?

10 PROSPECTIVE JUROR COUNTS: (Indistinguishable.)

11 COURT REPORTER: I can't hear her.

12 THE COURT: Can we get her the microphone.

13 There you go, Ms. Counts.

14 MR. NEDWICK: And your mother was still in  
15 Mississippi up until recently and then you moved her out here?

16 PROSPECTIVE JUROR COUNTS: Correct.

17 MR. NEDWICK: Because she was having some  
18 pre-dementia issues?

19 PROSPECTIVE JUROR COUNTS: My father passed away and  
20 so she is dealing with great depression if nothing more.

21 MR. NEDWICK: Ironically, about 15 years ago, same  
22 exact thing happened to me. Mississippi too. My mother lived  
23 out there. I used to live out there. She started out with  
24 pre-dementia. I moved her out here to live with me. So it was  
25 quite an adjustment for me, as I know it must be for you.

1           But one of the things that was an adjustment is she  
2 got up earlier in the morning. Earlier than me. And I get up  
3 early. And I had to get used to by the time I got up and got  
4 the newspaper and sat down to read it, she had already read it.  
5 So I didn't get to read the newspaper, I got to listen to the  
6 newspaper.

7           She would say, Keith, can you believe that guy did  
8 this. Can you believe the legislature's trying to do this.  
9 Everything. So that became my routine, is getting my news  
10 through the eyes of my mother.

11           But what stands out to me is that that's how she  
12 would present it to me. Can you believe this guy did this.  
13 Because that's the way we learn about things in a newspaper.  
14 It's just the accusation. And yet it wasn't I wonder if this  
15 guy did this. It was, can you believe this guy did this.

16           Is that the way, if we're all being honest, many of  
17 us think when we're outside of a courtroom?

18 Ms. McIntire?

19           PROSPECTIVE JUROR MCINTIRE: (Indicated in the  
20 affirmative.)

21           MR. NEDWICK: You're nodding your head.

22           PROSPECTIVE JUROR MCINTIRE: Just being honest. But I  
23 think it's in whatever social setting you're in as well and who  
24 you're around, who's talking and who's heard what. I mean,  
25 yeah.

1                   MR. NEDWICK: Okay. And so that's another thing that  
2 we got -- we have to get -- overcome. When we're in this  
3 courtroom, we've got to presume 100 percent that he's innocent  
4 as he sits here. Mr. Norton's innocent, until and unless the  
5 State proves beyond a reasonable doubt that he's guilty.

6                   Is everybody comfortable with that?

7                   (Prospective jurors indicated in the affirmative.)

8                   MR. NEDWICK: Mr. Black, what do you think about  
9 that?

10                  PROSPECTIVE JUROR BLACK: Am I comfortable with it?

11                  MR. NEDWICK: Yes.

12                  PROSPECTIVE JUROR BLACK: Yeah.

13                  MR. NEDWICK: Let me ask you this. If you don't mind  
14 -- again, we all just have to be honest. There's no judgment in  
15 any of this. When you first heard of the allegation and you  
16 saw Mr. Norton sitting there, what were your thoughts?

17                  PROSPECTIVE JUROR BLACK: Well, you already know what  
18 my thoughts were because you were just talking about them.

19                  MR. NEDWICK: I'm sorry --

20                  PROSPECTIVE JUROR BLACK: I said you already know  
21 what my thoughts were because you just explained it to  
22 everybody that that's what we do.

23                  MR. NEDWICK: Okay. I appreciate you sharing that  
24 with us. And I suspect that many others here had the same  
25 reaction.

1                   Mr. Brown, what about you?

2                   PROSPECTIVE JUROR BROWN: About the same. Like déjà  
3 vu. The last trial I was a juror on was the same exact thing.  
4 But it didn't go to trial.

5                   MR. NEDWICK: You didn't sit down immediately and go,  
6 well, that man's innocent until proven guilty, did you?

7                   PROSPECTIVE JUROR BROWN: (Indistinguishable).

8                   MR. NEDWICK: But that's what we have to do.

9 Is everybody comfortable with that?

10                  Ms. Moore, yes? You don't like talking either, do  
11 you

12                  PROSPECTIVE JUROR MOORE: Is it obvious?

13                  MR. NEDWICK: A little bit.

14                  I wanted to talk to you, Mr. Carmichael,  
15 about -- Ms. Whatley asked about how a delayed disclosure could  
16 impact the availability of physical evidence. Do you remember  
17 that?

18                  PROSPECTIVE JUROR CARMICHAEL: Yes.

19                  MR. NEDWICK: And she was talking about how any  
20 physical evidence that might have been there three months ago,  
21 eight years ago, it wouldn't necessarily be there.

22                  PROSPECTIVE JUROR CARMICHAEL: Correct.

23                  MR. NEDWICK: Have you thought about that from a  
24 defense standpoint? If you were trying to defend yourself  
25 against an allegation that something happened way back here,

1 and here we are way over here, where you don't remember -- now  
2 let's assume it didn't happen, okay?

3 PROSPECTIVE JUROR CARMICHAEL: Right.

4 MR. NEDWICK: How can you defend yourself against  
5 that? You can't even remember where you were, who else would  
6 have been around, any witnesses to call, to say, hey, he was  
7 with me, on that day. You know what I mean?

8 PROSPECTIVE JUROR CARMICHAEL: Right.

9 MR. NEDWICK: So this idea that there's -- it's  
10 harder to prove a case when there's delayed reporting, it's  
11 nearly impossible to defend a case when there's delayed  
12 reporting. Wouldn't you agree? Or it's difficult, put it that  
13 way.

14 PROSPECTIVE JUROR CARMICHAEL: It's difficult.  
15 I mean, it depends on what pieces were picked up or what things  
16 were mentioned at the time and what could be used and what was  
17 saved.

18 MR. NEDWICK: What was saved for?

19 PROSPECTIVE JUROR CARMICHAEL: Evidence or whatever.

20 MR. NEDWICK: Sure. What we have -- we're all  
21 familiar with the -- not our last Supreme Court nominee but  
22 going back one or two. There surfaced an allegation of sexual  
23 assault during the confirmation hearings. Everybody remember  
24 that?

25 (Prospective jurors indicated in the affirmative.)

1                   MR. NEDWICK: And these allegations were, what, 30  
2 years old or more. That makes it difficult to try and piece  
3 things together if you're trying to discredit some story that  
4 has been -- put you in a bad light if you've got to try to  
5 defend something that you -- happened 30 years ago. Wouldn't  
6 you agree?

7                   PROSPECTIVE JUROR CARMICHAEL: Correct.

8                   MR. NEDWICK: Mr. Hubbard, how do you feel about  
9 that?

10                  PROSPECTIVE JUROR HUBBARD: I agree with what he  
11 said, is it's difficult to -- difficult to come up with a  
12 determination. Don't ask me what happened 30 years ago because  
13 I'd need some help on that.

14                  MR. NEDWICK: Sure. And if nothing happened 30 years  
15 ago but somebody was saying something happened 30 years ago,  
16 how would you go about defending yourself against something  
17 like that?

18                  PROSPECTIVE JUROR HUBBARD: Well, you have to knuckle  
19 down and try to figure out the time and place and if you were  
20 there together or -- well, basically that. Just have to keep  
21 digging for the truth.

22                  MR. NEDWICK: What if they never settled on when it  
23 happened? They just said could have been a here, could have  
24 been there, anywhere in between?

25                  PROSPECTIVE JUROR HUBBARD: Well, we went over it

1       earlier, he said/she said. So I mean, you can have accusation  
2       but there's got to be some kind of proof that has to come out  
3       of it.

4                    MR. NEDWICK: You understand why it's so important to  
5       hold the State to its burden? Because if you start making a  
6       defendant trying to prove anything, in this kind of scenario,  
7       how would we go about doing it? Would you agree?

8                    PROSPECTIVE JUROR HUBBARD: Oh, yes.

9                    MR. NEDWICK: Does anybody have any ideas?  
10       Mr. Hubbard doesn't have too many good ideas about how he  
11       defends himself.

12                  Mr. Brown, if you were his lawyer, how would you  
13       defend it?

14                  PROSPECTIVE JUROR BROWN: I have no idea.  
15       That's why I'm an engineer.

16                  MR. NEDWICK: I'm sorry. Say that again.

17                  PROSPECTIVE JUROR BROWN: I have no idea.  
18       That's why I'm an engineer.

19                  MR. NEDWICK: Mr. Dotson, how about you?

20                  MS. WHATLEY: Your Honor, may we approach?

21                  THE COURT: Yes.

22                  (Discussion was had at the bench.)

23                  MS. WHATLEY: I've let this go on for a little while,  
24       but I think that any questions that Mr. Nedwick is asking a  
25       jury about how he should defend his client are inappropriate

1 for jury selection.

2 It's not -- he's not asking questions about how they  
3 can be appropriate jurors in this case or how they would make  
4 decisions or how they would deliberate or how they would view  
5 the evidence or anything. He's literally asking them basically  
6 how to defend his case. And that's not an appropriate -- those  
7 aren't appropriate questions for jury selection.

8 MR. NEDWICK: I think they're appropriate, Judge.  
9 It's just a different way of doing the same thing she was  
10 doing. She was asking them how -- what evidence they would  
11 expect and how she would prove beyond a reasonable doubt. And  
12 I'm doing the same thing. I'm just asking them how they would  
13 defend themselves.

14 MS. WHATLEY: No. You're asking them -- you were  
15 asking them if they were a defendant, or a defense attorney,  
16 how would they defend against false allegations, like what you  
17 would do.

18 I was asking questions like what evidence do you  
19 expect to see, not what do you expect the State to prove to  
20 you. I was just saying, in a case like a lewd acts case, what  
21 evidence do you expect to see. Do you expect there to be  
22 witnesses, do you expect there to be these sorts of things.

23 He's flat out asking them how would you defend a case  
24 like this if you're a defendant. That goes -- that answers no  
25 questions about bias or how a juror could be impartial or if a

1 juror is proper to sit on this jury. And I think that's an  
2 inappropriate question for jury selection.

3 THE COURT: I agree with Ms. Whatley. You have a  
4 right to ask this type of information. I think it needs to be  
5 styled or asked in a way that reflects the role as a juror and  
6 not as a potential defense attorney.

7 MR. NEDWICK: Okay.

8 THE COURT: All right.

9 (In open court.)

10 MR. NEDWICK: Mr. Dotson.

11 PROSPECTIVE JUROR DOTSON: Yes, sir.

12 MR. NEDWICK: What evidence would you expect as a  
13 juror for a defendant to present if he were being accused after  
14 30 years?

15 PROSPECTIVE JUROR DOTSON: Well, in the case of the  
16 Supreme Court appointee, he had detailed records of his  
17 whereabouts, if I remember correctly on that. And the accuser  
18 had basically no actual date. She couldn't even actually  
19 identify who was there at the time.

20 So if I remember correctly, that case was  
21 heard -- testimony was thrown out as circumstantial because  
22 they couldn't get any kind of evidence towards it.

23 MR. NEDWICK: Okay. Based upon her own statements?

24 PROSPECTIVE JUROR DOTSON: Correct.

25 MR. NEDWICK: Yeah. If you had to provide -- or

1 excuse me. If you were expecting, as a juror, a defendant to  
2 defend a time period that he doesn't even know what that time  
3 is, what kind of things would you be looking for or expecting  
4 from them?

5 PROSPECTIVE JUROR DOTSON: Well, that would be hard  
6 to tell. There's going to be -- time, like I said before, is  
7 fluid. And our minds kind of degrade, at least mine has over  
8 the years. So I think it would be very hard.

9 I would have to look more into more concrete evidence  
10 than just trying to cast your mind back into what you think you  
11 might have been doing during that time.

12 MR. NEDWICK: Particularly, if nothing meaningful  
13 actually happened back then, you would have no reason to know  
14 exactly where you were and what you were doing on the date or  
15 whatever, right?

16 PROSPECTIVE JUROR DOTSON: Correct, sir.

17 MR. NEDWICK: And so does that explain why we have  
18 all these -- not only the burden of proof, but the burden of  
19 production, where the judge will tell you  
20 that -- and Ms. Whatley has already told you, that  
21 Mr. Norton doesn't have to prove anything.

22 PROSPECTIVE JUROR DOTSON: Correct. It's  
23 all -- the burden is on the State.

24 MR. NEDWICK: And what we just went through there is  
25 an example of why it has to be that way. Can you imagine if

1       your freedom was dependent on whether you could prove yourself  
2       innocent on something that never happened?

3                   PROSPECTIVE JUROR DOTSON:  Absolutely.

4                   MR. NEDWICK:  Be a tough spot to be in, right?

5                   PROSPECTIVE JUROR DOTSON:  Yes, sir.

6                   MR. NEDWICK:  Ms. Moore, I'm going to come back to  
7       you.  If you're chosen as a juror in this case,  
8       Ms. Moore, then at the end of all the evidence, argument,  
9       everything else, you're going to have to deliberate with 11  
10      other jurors and decide a verdict in this case.

11                  Are you comfortable with being back there with 11  
12      other people and hearing their opinions and get -- still  
13      expressing your own opinion on what the evidence showed and  
14      proved?

15                  PROSPECTIVE JUROR MOORE:  Yes.

16                  MR. NEDWICK:  Do you think you'll be able to voice  
17      your opinion strongly back there?

18                  PROSPECTIVE JUROR MOORE:  I do.

19                  MR. NEDWICK:  What about others?  Is anybody worried  
20      about that?  Sometimes it can be a tough situation when you're  
21      not in the majority and other people are on one side and  
22      there's ten, nine people back there saying this is what we  
23      believe, and you're over there by yourself or just another  
24      person.  If you believe strongly, are you going to be able to  
25      hold up under that kind of pressure?

1                   (Prospective jurors indicated in the affirmative.)

2                   MR. NEDWICK: You are, Ms. Moore?

3                   PROSPECTIVE JUROR MOORE: Yes.

4                   MR. NEDWICK: What about some of the others? Anybody  
5 concerned about that?

6                   (Prospective jurors indicated in the negative.)

7                   MR. NEDWICK: Any situations, experiences that any of  
8 you have that are similar to that, where you've had to take  
9 what you -- could end up being an unpopular position and defend  
10 it?

11                  Ms. Ray, tell us.

12                  PROSPECTIVE JUROR RAY: I have no problem voicing my  
13 opinion, especially whenever I believe people are wrong. I  
14 have called out a doctor that I will not name for his abuse to  
15 a cashier, telling him -- and I was red faced the whole time,  
16 embarrassed doing it, but he was being awful to somebody.

17                  And I have no problem saying if I believe somebody's  
18 being wrong. And I'll stand my ground even if it embarrasses  
19 the living daylights out of me. If you believe something  
20 truly, I have no problem if I am convinced of it. But if I  
21 don't believe it, I'm going to stand my ground.

22                  MR. NEDWICK: Even if it means questioning the  
23 truthfulness of someone who is alleging sexual abuse?

24                  PROSPECTIVE JUROR RAY: I am of the belief that if I  
25 don't find any reason or if I don't believe that the evidence

1 gets there, I'm going to stand my ground.

2 MR. NEDWICK: Okay. We've seen people's careers  
3 here, increasingly so, ruined and canceled  
4 over -- over questioning. Not saying somebody's lying, but  
5 just questioning whether somebody might actually be guilty of  
6 what they're being accused of. We've seen that more and more  
7 in society.

8 Mr. Dotson, how do you feel about that?

9 PROSPECTIVE JUROR DOTSON: Unfortunately, it's part  
10 of the times. Especially with certainly media. If it bleeds  
11 it leads. They're going go out and do character assassination  
12 in some ways if they can. Doesn't make it right. Makes it  
13 even harder for the defendant to defend themselves. So that's  
14 where it falls upon us to be impartial.

15 MR. NEDWICK: Mr. Smith, is that right?

16 PROSPECTIVE JUROR SMITH: Uh-huh.

17 MR. NEDWICK: Okay. You haven't said a whole lot.  
18 Nothing since I've been up here. I'll ask you something just  
19 to make it worthwhile for you.

20 Have you been in a situation where you felt like the  
21 popular belief or whatever might have only been yours and you  
22 just kept your mouth shut and didn't want to express your  
23 opinion because of the fallout that would come from it?

24 PROSPECTIVE JUROR SMITH: Well, I do work in a  
25 political office so sometimes it goes with the territory. But

1       when I have freedom to speak without repercussions, I got no  
2       problem.

3                 I kind of have the -- a judicial mindset in  
4       determining my opinions. I believe I'm right until you prove  
5       me wrong. But I have no problem admitting when I am wrong.  
6       But you've just got to prove it to me.

7                 MR. NEDWICK: And what you would be doing if you're  
8       sitting on this jury, is just judging the evidence. Not --  
9       you're not expected to solve the case or know 100 percent what  
10      happened. That's not the obligation you have here. And what a  
11      burden that would be if it was.

12                What your role as a juror would be is to judge the  
13      State's case and determine if they produced enough evidence to  
14      convince you beyond a reasonable doubt that he's guilty. Do  
15      you feel like you can do that,

16      Mr. Smith?

17                PROSPECTIVE JUROR SMITH: I don't feel like the  
18      pressure sure is on me. I feel like it's on all you.

19                MR. NEDWICK: Okay. Well, I want to visit a little  
20      bit about that. And that is a perfectly reasonable position to  
21      take. That's what we do in life. That's what -- everybody's  
22      said we're looking for a fair and impartial juror. What does  
23      fair and impartial mean outside this courtroom? It means  
24      everybody is equal and you decide which one is slightly more  
25      convincing.

1           That's not the case in this courtroom. It's not the  
2 same standards. It's -- so the burden is not on me or Mr.  
3 Norton. He's presumed innocent. That's the thing that makes  
4 your role so much different as a juror than your role out there  
5 in the rest of your life.

6           Are you going to be able to remind yourself and  
7 others, if necessary, that that's what our role is here for, is  
8 to determine not what we believe, not what we think, but what  
9 have they proven beyond a reasonable doubt?

10          PROSPECTIVE JUROR SMITH: Yeah, no issue at all.

11          MR. NEDWICK: Okay. Thank you for that,

12 Mr. Smith.

13          Can I have just a moment, Judge?

14          THE COURT: You may.

15          MR. NEDWICK: Ms. Whatley mentioned this a couple of  
16 times and the judge mentioned it in that litany or list of  
17 instructions when he was talking to you. But one of them was  
18 that -- the issue of not testifying, the right to remain  
19 silent.

20          How do you all feel about that? We've had to -- that  
21 will probably be our last topic. Just bear with me. Give me  
22 your honest and open thoughts on that.

23          Mr. Jilge, what do you think about that?

24          PROSPECTIVE JUROR JILGE: I believe, you know, it's  
25 part of our system. And Mr. Norton has that right to remain

1 silent. You know, I don't have a problem with that. I think  
2 that if there is -- if there is evidence, there's evidence. If  
3 there's not, there's not. And we will be -- as a juror, it's  
4 our point to decide that.

5 MR. NEDWICK: Okay. And so as Ms. Whatley explained  
6 to you and the judge will instruct you again at the end of the  
7 case, before you get the case, you can't allow whether he  
8 testifies or not to weigh in your deliberations even in the  
9 slightest.

10 Are you comfortable with that idea,  
11 Ms. McIntire?

12 PROSPECTIVE JUROR MCINTIRE: Yes.

13 THE COURT: So one of the most important  
14 things -- advice, work, that I will do for Mr. Norton over the  
15 three years that I've known him now, will be to advise him on  
16 whether or not to testify in this case.

17 Regardless of what that decision is, will each of you  
18 follow the judge's instructions and not weigh it in the  
19 slightest if he decides not to testify?

20 (Prospective jurors indicated in the affirmative.)

21 MR. NEDWICK: Anybody who has a problem with that?

22 Mr. Hubbard?

23 PROSPECTIVE JUROR HUBBARD: No problem.

24 MR. NEDWICK: Okay.

25 Can we approach, Judge?

1 THE COURT: Yes.

2 (Discussion was had at the bench.)

3 MR. NEDWICK: Judge, I'd ask again -- reurge my  
4 request that Juror No. 6 be excused for cause.

5 MS. AUSTIN: I don't think anything additional has  
6 come out during either the State's or the defense voir dire  
7 that would change the Court's previous decision.

8 THE COURT: I'm going to deny the request. I believe  
9 Ms. Corrales has stated that she can be a fair and impartial  
10 juror despite her own previous experiences. All right.

11 MR. NEDWICK: Other than that, I have no other  
12 request.

13 THE COURT: Can I give you guys like three minutes?  
14 Is that enough time to come up with your five preemptories?

15 MR. NEDWICK: How much time?

16 THE COURT: Three.

17 MR. NEDWICK: As in one, two, three, not six even?

18 MS. AUSTIN: Well --

19 THE COURT: Less than five.

20 MR. NEDWICK: Charles is going to talk about his hair  
21 for the first three minutes.

22 MS. AUSTIN: Since it is -- it's 20 until 5:00 and  
23 we're actually -- we've made very good time, which is kind of  
24 shocking. I don't know if you want to give them a break and we  
25 can do it on the record in here and then just bring them back

1 in and excuse them.

2 THE COURT: Let's just do it the way we normally do  
3 it and then let them go. I'll just give you guys -- I can give  
4 you five minutes.

5 MR. NEDWICK: Compromise. Thank you.

6 (In open court.)

7 THE COURT: Jurors, I'm not going to excuse you but  
8 if you would like to stand and stretch and stay around here,  
9 that's fine. They're going to take a few minutes to make their  
10 selections.

11 (Discussion was had at the bench.)

12 THE COURT: Keith, did you want to state on the  
13 record you pass the jury for cause?

14 MR. NEDWICK: Pardon?

15 THE COURT: I don't think you said on the record that  
16 you want to pass the jury for cause.

17 MR. NEDWICK: Yeah. With that one exception.

18 THE COURT: Okay. Very good.

19 (Brief pause.)

20 THE COURT: All right. Counsel, why don't you come  
21 on up.

22 (Discussion was had at the bench.)

23 THE COURT: All right. State can begin.

24 MS. AUSTIN: Just for record purposes, I know that  
25 Mr. Nedwick said I'm done, but you're passing the panel for

1 cause?

2 MR. NEDWICK: Yeah. He cleaned it up.

3 MS. AUSTIN: Okay. I'm sorry. Okay.

4 The State would thank and excuse Juror No. 20,

5 Mr. Axton.

6 MR. NEDWICK: Juror No. 2, Heath, Ms. Heath.

7 MS. AUSTIN: No. 10, Ms. Ray.

8 MR. NEDWICK: No. 6, Ms. Corrales.

9 MS. AUSTIN: No. 3, Mr. Hill.

10 MR. NEDWICK: No. 4, Ms. Coffelt.

11 MS. AUSTIN: No. 9, Mr. Dotson.

12 MR. NEDWICK: No. 19, Ms. Lyons-Ketchum.

13 MS. AUSTIN: I'm sorry, Judge. Can we have one  
14 second?

15 No. 22, Mr. Smith.

16 MR. NEDWICK: No. 1, Ms. Curry.

17 THE COURT: Okay. You each get two from our  
18 alternate pool.

19 MS. AUSTIN: No. 26, Mr. Givel.

20 MR. NEDWICK: I'm going to get rid of Ms. Counts so  
21 she can visit with her mother.

22 MS. AUSTIN: No. 23, Mr. Garrett.

23 MR. NEDWICK: No. 28, Ms. Littledeer.

24 THE COURT: I will excuse the jurors that have been  
25 challenged as well as the rest of the panel, give our jurors

1 and alternates the oath of jury, pass out badges, and ask them  
2 to be back here at 8:30 tomorrow morning.

3 MS. AUSTIN: I think we're doing 9:00, according to  
4 Jami.

5 THE COURT: I'm going to have the jurors assemble in  
6 the juror room by 8:30. I would ask you to be here a little  
7 bit early just to make sure if there's things that come up, we  
8 can deal with them.

9 MS. AUSTIN: Okay.

10 MR. NEDWICK: A little early, before 9:00 or before  
11 8:30?

12 THE COURT: Before 8:30.

13 MR. NEDWICK: Gotcha.

14 THE COURT: Just so we can be ready to go. We'll  
15 start with opening statements tomorrow morning.

16 MS. AUSTIN: And we'll have equipment here about 8:00  
17 setting up.

18 THE COURT: Okay. Perfect.

19 MR. NEDWICK: I'll let you finish with the jury, but  
20 I'd like to talk about it afterward.

21 MS. AUSTIN: Okay.

22 (In open court.)

23 THE COURT: All right. I want to address the folks  
24 whose names were not called today. You've sat here patiently  
25 and done lots of listening today. You will not be required for

1       this jury. So you are all excused at this time. We thank you  
2       for coming.

3                 The following individuals will be excused from  
4       service. As I state your name, you may simply get up and walk  
5       out. There's no expectation that you come back. And perhaps  
6       next time you'll be luckier.

7                 THE COURT: Mr. Axton, you're excused.

8       Ms. Heath, Ms. Ray, Ms. Corrales, Mr. Hill, Ms. Coffelt,  
9       Mr. Dotson, Ms. Lyons-Ketchum, Mr. Smith, Ms. Curry,  
10      Mr. Givel, Ms. Counts, Mr. Barrett, and finally,  
11      Ms. Littledeer.

12                 All right. Now, we're going to play a game of  
13       musical chairs. As I state your name, please move to the  
14       assigned seat.

15                 Mr. Jilge, we're going to have you sit up here in the  
16       corner where Ms. Curry was. Mr. Carmichael, why don't you sit  
17       up there next to Mr. Jilge where Ms. Heath was. Mr. Wade,  
18       we'll have you sit next to Mr. Carmichael. Mr. Black, you can  
19       sit next to Mr. Wade, between Mr. Wade and Ms. Langford.

20                 Mr. Brown, you'll have the corner seat where Ms.  
21       Corrales was. Mr. Hubbard, why don't you have that seat right  
22       behind you, next to Ms. McIntire. And Ms. Marino, you can be  
23       seated next to Ms. Kaelin.

24                 The 12 of you will be our jurors. That leaves  
25       Mr. Grogan and Mr. Cromack as our alternate jurors.

1 Mr. Grogan you'll be Alternate No. 1. Mr. Cromack, you'll be  
2 Alternate No. 2.

3 If at any point during the trial or deliberations, if  
4 one of our jurors cannot continue on, then we will look to our  
5 alternates to take their place. You will -- you will listen to  
6 the evidence just like the jurors will, and potentially may be  
7 called to deliberate. All right.

8 So at this time, I'm going to give you the oath of  
9 juror. So please all 14 of you stand and raise your right arm.

10 (The jury panel was sworn.)

11 THE COURT: Okay. Thank you very much. You may sit  
12 down. You've each been selected and sworn as the jury to try  
13 the case of the State of Oklahoma versus Dallas Norton.

14 As I've told you before, the defendant has pled not  
15 guilty. A plea of not guilty puts at issue each element of the  
16 crimes with which the defendant is charged.

17 A plea of guilty requires the state to prove each  
18 element of the crimes beyond a reasonable doubt.

19 The defendant is presumed innocent of the crimes and the  
20 presumption continues unless after consideration of all the  
21 evidence you are convinced of his guilt beyond a reasonable  
22 doubt.

23 The State has the burden of presenting the evidence  
24 that establishes guilt beyond a reasonable doubt. The  
25 defendant must be found not guilty unless the state produces

1 evidence which convinces you beyond a reasonable doubt of each  
2 element of the crimes.

3 I'm also going to give you a pad and a pencil so that  
4 you can take notes. Those will be on your chairs when you  
5 return tomorrow morning. I want you to remember these things  
6 about taking notes.

7 First, that note taking is permitted but it's not  
8 required. Also, take notes sparingly. Don't try to write down  
9 all the testimony. Your notes will only be used for the  
10 purpose of refreshing your memory. They're helpful in dealing  
11 with things like measurements, times, distances, identities,  
12 relationships.

13 Third, I encourage you to be brief in your note  
14 taking. It's for you to determine the credibility of the  
15 witnesses. And to do so, you need to observe them. So don't  
16 let note taking be a distraction from this duty.

17 Finally, your notes are for your private use. Don't  
18 share your notes with any other juror during the presentation  
19 of the case. You may discuss the contents of your notes only  
20 after all sides have rested and you have commenced your  
21 deliberation. In other words, you'll be allowed to take your  
22 notes with you to the deliberation room.

23 That will conclude my instruction this  
24 afternoon. When we return tomorrow morning, we will hear  
25 opening statements from the State and the defendant and we'll

1 roll right into the evidence.

2           A couple of other housekeeping matters. Now that you  
3 are a juror, if you come in and you have that jury badge, that  
4 also allows you to bring in food and drink. So if you would  
5 like to bring something to snack on, I have no problem with you  
6 bringing a -- you know, a coke or water, whatever you want to  
7 drink. I just ask that it be covered, you know, so we don't  
8 spill.

9           And as you have noticed, this courtroom can be kind  
10 of cool, so bring a sweatshirt or something if you get cold.

11           I'm going to ask you to assemble in the jury room,  
12 which is right outside these doors, by  
13 8:30 tomorrow morning. All right? Anything else, Jami?

14           THE BAILIFF: They just need to be sure to wear the  
15 badge, not carry it when they come back in.

16           THE COURT: Yeah. You'll still have to go through  
17 security. But it's just important that you wear that jury  
18 badge so that everybody in the courthouse knows you're a juror  
19 so they won't try and talk to you and that kind of stuff, okay?

20           As I said before, I'll probably say this again, but  
21 if at any point during the trial someone tries to talk to you  
22 about the case or you observe something involving another  
23 juror, please report that to me or to Jami immediately so we  
24 can address that. All right.

25           Thank you very much. Have a good evening.

1 (This concludes proceedings had this date. For further  
2 proceedings, see Volume II of this transcript.)  
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## 1 IN THE DISTRICT COURT OF CLEVELAND COUNTY

2 STATE OF OKLAHOMA

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4 STATE OF OKLAHOMA, )  
5 Plaintiff, )  
6 vs. ) Case No. CF-2019-1273  
7 DALLAS CHRISTOPHER NORTON, )  
8 Defendant. )

9 CERTIFICATE OF THE COURT REPORTER

10 I, Angela Thagard, Certified Shorthand Reporter and  
11 Official Court Reporter for Cleveland County, do hereby certify  
12 that the foregoing transcript in the above-styled case is a  
13 true, correct, and complete transcript of my shorthand notes of  
14 the proceedings in said cause.

15 I further certify that I am neither related to nor  
16 attorney for any interested party nor otherwise interested in  
17 the event of said action.

18 Dated this 2nd day of December, 2022.

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ANGELA THAGARD, CSR, RPR, CRR  
STATE OF OKLAHOMA  
CERTIFIED SHORTHAND REPORTER  
CSR# 1711  
MY CERTIFICATE EXPIRES: 12/31/2022



Angela Kay Thagard  
State of Oklahoma  
Certified Shorthand Reporter  
CSR # 1711  
My Certificate Expires 12/31/2022