

FILED

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY **DEC 14 2022**

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

4 STATE OF OKLAHOMA,)
5 Plaintiff,)
6 vs.) Case No. CF-2019-1273
7 DALLAS CHRISTOPHER NORTON,)
8 Defendant.)

COPY

9
10 VOLUME IV

11 TRANSCRIPT OF PROCEEDINGS

12 HAD ON JUNE 24, 2022

13 AT THE CLEVELAND COUNTY COURTHOUSE

14 BEFORE THE HONORABLE THAD BALKMAN

15 DISTRICT JUDGE

16 AND A JURY

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25 REPORTED BY: ANGELA THAGARD, CSR, RPR, CRR

RECEIVED

DEC 29 2022

APPELLATE DIVISION

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INDEX**PAGE:**

1	JURY INSTRUCTIONS READ	16
2	INITIAL CLOSING ARGUMENT BY THE STATE	16
3	DEFENDANT'S CLOSING ARGUMENT	37
4	STATE'S FINAL CLOSING ARGUMENT	60
5	VERDICT	102
6	REPORTER'S CERTIFICATE	104
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 (For prior proceedings, see Volume III of this transcript.
2 Following the evening recess, proceedings resumed as
3 follows, outside the hearing of the jury:)

4 THE COURT: Okay. I've been presented with jury
5 instructions that the defense wants to add.

6 MS. WHATLEY: Yes, I'm aware. And I am prepared if
7 you want to -- I will text her -- I think I just texted her.

8 THE BAILIFF: I gave them each the copy of what you
9 have, Judge.

10 THE COURT: Okay. Mr. Nedwick, do you want to
11 present these instructions, why you believe I should add them?

12 MR. NEDWICK: Sure, your Honor. If we're going to do
13 it now, I'm happy to do it rather than wait on Mr. Douglas or
14 anybody else?

15 THE COURT: Are you okay with starting?

16 MS. WHATLEY: Yes, absolutely, your Honor.

17 THE COURT: Go for it.

18 MR. NEDWICK: Your Honor, yesterday, when we were
19 going through the stack of jury instructions at the end of the
20 day, those were jury instructions that were presented before
21 the trial started.

22 THE COURT: Right.

23 MR. NEDWICK: We absentmindedly -- and I'm going to
24 say a little bit collectively -- because sometimes I'm not the
25 one that remembers. We just bring it up as a topic. Okay,

1 now, what do we need to do, are there any impeachment or prior
2 inconsistent statement -- instructions that we need to add to
3 this. We didn't do that yesterday.

4 At about 1:00 this morning, I realized that. And so
5 anyway, best I could, I tried to recall the witnesses that I
6 knew had inconsistent statements. I sent that to Mr. Douglas.
7 And I think he sent these proposals over, which I think Jami
8 cleaned up a little bit.

9 So that is the uniform instruction, your Honor.
10 There's nothing different or special about this request. It
11 was, like I say, normally something we would have discussed
12 yesterday. And --

13 THE COURT: Well, I'm fine with considering these. I
14 just -- I want to hear your argument and I want to hear the
15 State's argument in opposition.

16 MR. NEDWICK: As far as the statements, the
17 inconsistent statements, like comparing them?

18 THE COURT: Yeah. Like let's start with Bailey
19 Ferguson.

20 MR. NEDWICK: Let's put her on the back burner,
21 because hers is less clear.

22 THE COURT: Okay.

23 MR. NEDWICK: And we may not have to argue that one.

24 THE COURT: Okay.

25 MR. NEDWICK: Brianna Jackson, your Honor, she

1 testified here in this courtroom about this event that happened
2 and it happened -- again, the one time her vagina was touched,
3 that Mr. Norton's charged with.

4 And she talked about it happening in the master bedroom
5 while other people were home, not the mother. And so that was
6 her testimony here, among other things in the courtroom.

7 There was evidence of -- that she gave very different
8 stories outside of the courtroom, so -- that came from Jeffrey
9 Jackson. He told the jury what she told him, and that was very
10 different than what she said in here.

11 That included that it happened on the -- while her mom
12 was home. That was one version. And I'm summarizing, you
13 know, how they were. Also, that she described it -- he
14 described it in a different statement. Actually, I think that
15 one's probably the one that impeaches her, not -- yeah.

16 So anyway, that was his testimony in court. He did
17 admit that he had talked to a different officer right after it
18 happened. And then, for the record, that story was -- that he
19 relayed to the officer was considerably different than the one
20 we heard in court. So that kind of covers both of them,
21 actually.

22 Mr. Jackson, the story he told in court the other day,
23 was that it happened in the bedroom -- Brianna said it happened
24 in the bedroom when he -- Mr. Norton and Ms. Norton were in the
25 bedroom, and then Ms. Norton left, as opposed to what he told,

1 according to Detective Judy during those interviews, when he
2 called, which was that Mr. Norton walked into the living room
3 in his underwear, sat down next to her on the sofa, and sat
4 down and rubbed her leg and touched her vagina.

5 So his -- his in court testimony is different than what
6 he told investigating officers at the time of this. So that's
7 -- so that's the inconsistent statements for him or at least a
8 taste of them for both of those witnesses.

9 In all honesty, the Bailey Ferguson thing, which I
10 haven't given much more thought to, hers was a little different
11 because I'm not sure that was clearly inconsistent. That could
12 have been a misunderstanding, the way the question was asked
13 the one time versus the second time.

14 Even the way Detective Judy, after reviewing his report
15 -- excuse me -- not his report, but his audio from his
16 conversation with Bailey Ferguson -- it was a little more clear
17 that there were no messages sent with those photos. But
18 anyway, our -- I could see where that wouldn't be a clean
19 inconsistent statement.

20 THE COURT: Okay. Thank you, Mr. Nedwick.

21 Ms. Austin?

22 MS. AUSTIN: So I'll start with the last one, with
23 Bailey Ferguson. I don't think at any point in time was she
24 impeached or were any statements she made inconsistent.

25 She has been clear both on direct examination and

1 cross-examination that when those pictures of the penis came
2 through, they came through without any communications. They
3 came through without any messages. She said they were
4 unsolicited. She said those pictures came through solely just
5 by themselves.

6 They had been having a previous conversation, is I
7 think what the cross-examination was kind of geared towards,
8 but it wasn't clear. She's always been -- in both her
9 testimony and in the audio with Judy that he said were there
10 any communications with those pictures. No. And she testified
11 to that. No, those pictures just came with no comments or
12 anything like that

13 So I don't think she was inconsistent whatsoever. I
14 agree with what Mr. Nedwick said, it's how the question was
15 asked. I don't think it's enough to warrant 9-20 being given,
16 those inconsistent statements. So I don't think that one's a
17 proper instruction.

18 Onto Brianna Jackson. Brianna Jackson was extremely
19 consistent here in the courtroom when she testified. She
20 testified that it happened in the bedroom, it happened in the
21 -- what happened in the living room was an attempt to touch on
22 the couch.

23 To say that Jeffrey Jackson -- the Jeffrey Jackson
24 statements make it inconsistent, she was never asked, Did you
25 tell your dad X, Y, and Z, and given the opportunity to explain

1 and deny. She was given opportunities throughout the time to
2 talk about what happened to her.

3 But what you heard was really consistent with what
4 Mr. Jackson said, was that it happened when her mom was in the
5 kitchen. He says that. She says that. Are the two being
6 confused? Possibly. But those statements are all still coming
7 in, that it was on the couch one time that he tried to touch
8 her, that her mom was in the kitchen, that one time it was in
9 the bedroom.

10 Those statements are not inconsistent. And she was not
11 impeached in any way with, Did you tell -- Did you testify at
12 preliminary hearing differently and say, X, Y, Z. That wasn't
13 said. Did you say this statement at forensic interview, X, Y,
14 Z and not say something different today. That has not been
15 done.

16 She said in her forensic interview it happened these
17 times and another time, I can't remember. And then she talked
18 today about a time -- she talked here in court about the time
19 that she could remember on the couch. That's not inconsistent.

20 It is -- as we've heard Christi Cornett's testimony,
21 it's a child further disclosing. So I don't think there's been
22 any inconsistencies with Brianna Jackson's testimony that have
23 been shown -- inconsistent statements. She has made statements
24 -- she, herself, made statements in the forensic interview and
25 made statements in this courtroom.

1 What we're attributing to Jeffrey Jackson are
2 statements that he said he may have gotten it wrong, because
3 remember during his testimony, Jeffrey Jackson was asked, Did
4 you tell officer so and so this and this. And he said, I might
5 have. I might have gotten that wrong, but what I remember
6 today is this.

7 So he is having memory issues on that himself. It's
8 not saying Brianna said something inconsistent. It's that he
9 was having issues with what he remembers saying. So I do not
10 think it's proper for Brianna Jackson's.

11 Now, I think when you get to Jeffrey Jackson, Jeffrey
12 Jackson did admit that he might have made statements before to
13 the officer that are -- that were different. He said, I don't
14 remember saying that. But if they say I did, I must have. But
15 that's not what he remembers.

16 So he has made some inconsistent statements. So I
17 don't know that that is -- he was impeached by them. I mean,
18 he wasn't -- because he explained them. He said I just don't
19 remember. What I remember is this. What I remember is that.

20 So he was given the opportunity to explain or deny, and
21 then no witness came in to impeach him after that and say, Oh,
22 no, this is what he actually said. He admitted, I either got
23 it wrong, but this is what I remember today.

24 So I think the statements that he made, the bedroom,
25 and rubbed her leg and touched her vagina when mom left, we

1 heard testimony of that in this courtroom from Brianna Jackson.
2 So we know at some point she made a consistent statement and
3 she told him that. He's just getting confused, what he relays
4 the information.

5 So that doesn't make it inconsistent on Brianna
6 Jackson. It just makes it that he's having a hard time
7 relaying it. Not inconsistent for Brianna, but he explains his
8 ability to remember and relate these instances as they occurred
9 when he's being told these statements.

10 MR. NEDWICK: And that's clearly her take on
11 it -- Counsel's take on it, and she'll argue that. But there's
12 no question that it's an incident statement attributed through
13 two witnesses; Detective Judy, which was read straight from the
14 report which said Brianna -- Jeffrey said Brianna said, and
15 then each thing that I attribute to that original statement
16 from Jeffrey came from says Brianna said, Brianna said. Not
17 him giving, you know, this is Jeffrey said these things
18 happened. He says, Brianna said, to every one of those things.

19 In addition, I took a small example of the
20 inconsistencies that were testified to for both of those
21 witnesses. Just within the forensic interview -- comparing the
22 forensic interview to the testimony here in court, there was a
23 major inconsistency.

24 She, throughout the forensic interview and thereafter,
25 said that she was lying on her stomach when her vagina was

1 being touched. Her testimony was in this courtroom on three
2 times that when she was being -- her vagina was being touched,
3 she was lying on her back. That is a very significant
4 difference.

5 So anyway, those are -- those are -- there's another
6 example of inconsistent statements from Brianna.

7 THE COURT: Thank you, Mr. Nedwick.

8 All right. Defense counsel's requested instructions on
9 impeachment by prior inconsistent statements from OUJI 9-20.
10 I'm not going to give the instruction to Bailey Ferguson, but I
11 have decided I am going to give the instruction as to Brianna
12 and to Jeffrey's testimony.

13 And I expect that in closing arguments, the State and
14 the defense will be able to call to the jurors' attention
15 testimony which supports their case. And they can discern,
16 based upon the evidence they've heard whether or not there has
17 been inconsistent statements made.

18 So I'm going to have Jami add these to our
19 instructions. We will just give them a number followed by an A
20 or a B afterwards so we don't have to renumber the subsequent
21 instructions.

22 MR. NEDWICK: Jami, would you mind -- even though
23 we're just going to put these at the end, would you mind
24 printing me a fresh copy when you do that?

25 THE BAILIFF: That is the copy I'm using.

1 MR. NEDWICK: No, I mean the others.

2 THE BAILIFF: The whole thing?

3 MR. NEDWICK: Yes.

4 THE COURT: I'm open to suggestion on where you think
5 it would best fit in the course of the instructions.

6 MR. NEDWICK: I would imagine in the section about
7 credibility of witnesses. Look at the numbers.

8 THE COURT: So you have instruction 9-42, which is
9 Instruction 14.

10 MS. AUSTIN: I think it would be like No. 15.

11 THE COURT: We'll call it 14A.

12 MS. AUSTIN: That's a good idea. Yeah.

13 THE COURT: 14-B. So I would do Brianna first,
14 Jeffrey second.

15 I understand, Mr. Nedwick, you want to address
16 something?

17 MR. NEDWICK: Yes, your Honor. Obviously, it looks
18 like they're going to play the forensic interview again in
19 their closing or they intend to. And I just want to object to
20 that, so...

21 THE COURT: Okay. Ms. Whatley, are you intending to
22 show some of the forensic interview?

23 MS. WHATLEY: Yes, your Honor.

24 THE COURT: And what's the grounds of your objection,
25 Mr. Nedwick?

1 MR. NEDWICK: The grounds, your Honor, are the same
2 ones I made previously, that it violates hearsay. It doesn't
3 fit the reliability of 2803.1.

4 And then now you would have had well over an hour of
5 testimony about the content of these statements, which would
6 otherwise be hearsay. You would have had an interview that was
7 watched in its entirety, which was an hour long, by this jury.

8 And now, to put it back in front of the jury again, her
9 -- these out-of-court statements, they don't come -- in other
10 words, it's repetitive, it's cumulative, and becomes, at some
11 point, even if it was originally admissible, highly prejudicial
12 when it is given so much emphasis.

13 That's not the design of the statute. The design of
14 the statute is to give limited exceptions to the general rules
15 that have guided our legal system forever about hearsay
16 statements.

17 THE COURT: Okay. Thank you.

18 Any response, Ms. Whatley?

19 MS. WHATLEY: My response would be, your Honor, that
20 I believe that the State is allowed to make arguments to the
21 jury based on evidence that has been entered in the case. And
22 I believe it's proper for the State to comment on any evidence
23 that has been entered in the case.

24 I don't intend on playing the whole interview.

25 I mean, obviously, I've tried many cases in front of your

1 Honor, and I've never played like a whole interview, nor would
2 I do that. It's clips to illustrate different portions as they
3 relate to specific elements that the State of Oklahoma has to
4 prove.

5 THE COURT: I previously have ruled the interview
6 admissible. As to the objections raised by Mr. Nedwick,
7 playing this again during closing, I also overrule those
8 objections. I believe it's proper.

9 And I believe, again, that Mr. Nedwick will have an
10 opportunity during closing to argue why the jury should or
11 should not believe the evidence that's presented.

12 Let's go ahead and invite our jurors in. Let's make
13 sure that Mr. Norton's family is in here too. I know they were
14 excluded earlier.

15 MS. WHATLEY: There was some talk earlier --

16 THE COURT: About a minor?

17 MS. WHATLEY: Yes.

18 THE COURT: Yeah. I mean, the defense would like the
19 minor in?

20 MR. NEDWICK: He would.

21 MS. WHATLEY: Okay. Sorry. I thought there was a
22 discussion off the record about how that was not happening.

23 THE COURT: Yeah. I typically don't allow it, but
24 it's to protect the child. But if it's Mr. Norton's family and
25 he wants them in here, then --

1 MR. DOUGLAS: May I, your Honor, raise one other
2 issue? I think it's a nonissue, but before when they were
3 testing it out, it had, First closing, State of Oklahoma vs.
4 Dallas Norton, on the screen. I presume that that will not
5 reappear until she makes her opening statement and will
6 disappear afterwards so that it is not on constant display to
7 the jury.

8 THE COURT: That's a reasonable request. I'll ask
9 the State to comply with it.

10 MS. WHATLEY: Yeah.

THE COURT: Thank you.

12 MS. WHATLEY: That's why there's a blank blue screen
13 up.

THE COURT: Very well. Thank you.

15 (In open court.)

16 THE COURT: Good morning, ladies and gentlemen. I'll
17 now read the jury instructions. You can take these jury
18 instructions with you when you deliberate. I'm having Jami
19 pass them out.

20 (The instructions of the Court were read to the jury.)

21 THE COURT: State's recognized for its first closing
22 argument.

23 MS. WHATLEY: Thank you, your Honor.

24 Good morning, ladies and gentlemen of the jury. It is
25 my privilege to stand before you this morning to get to talk to

1 you and explain to you how the State has proved each and every
2 element of these two charges against the defendant, Dallas
3 Norton.

4 But before I do that, I want to for a second just kind
5 of explain the procedure and the process just a little bit,
6 because this is the first time that I've got to talk to you
7 since we did jury selection on Tuesday.

8 So because this is the State's burden of proof, because
9 the State of Oklahoma carries that burden of proof to prove to
10 you each and every element of these two charges, these two
11 crimes that the defendant has been charged with, the State of
12 Oklahoma gets to speak to you first. Then Mr. Nedwick, the
13 defense counsel, gets to speak to you. And then the State of
14 Oklahoma gets to speak to you again since it's our burden. So
15 that's kind of the order of things.

16 The first thing that you're going to do when you go
17 back to the jury room when everybody's done talking to you is
18 you're going to select a foreperson. You've got to select a
19 foreperson before you start your deliberations.

20 So first you go back, you do that, and then you get
21 into it. You get into looking at the jury instructions and
22 applying the evidence to the jury instructions.

23 So before we get into the elements, I first want to
24 talk to you just a little bit -- just a little bit about the
25 function of the jury. You've got to follow the law because now

1 you have the law.

2 Now Judge Balkman gave you the law. You have to get an
3 impartial verdict and you get to make inferences about the
4 evidence. So now you have all the evidence. Remember we
5 talked in jury selection about what evidence is. Evidence is
6 testimony. Evidence is exhibits. And now you have all that
7 evidence and you have to apply that evidence to the law that
8 you've now received from Judge Balkman.

9 And you get to use common sense. There's an
10 instruction that basically says you get to use common sense and
11 you get to make inferences based on the evidence that you have
12 received in this case.

13 Direct evidence is the testimony of a person who
14 asserts actual personal knowledge of the facts, such as the
15 testimony of an eyewitness, somebody who was there. And
16 circumstantial evidence, similar to the example I gave about my
17 son and the Oreo cookies, is the proof of facts which give rise
18 to a reasonable inference of other connected facts.

19 Also, the law makes no distinction about how you treat
20 that. You get to treat those the same. Give it whatever
21 weight you guys choose to give it. You get to decide what
22 weight to give it. Also, there's the presumption of innocence.
23 So the defendant gets to keep that presumption of innocence
24 until the State of Oklahoma has proved each and every element
25 of the crimes that he has been charged with.

1 So I'm going to take these crimes one at a time. So
2 first, the State of Oklahoma has to prove that the defendant
3 knowingly and intentionally -- and there's a definition for
4 this one. Knowingly means being aware of the existence of
5 facts that caused the act to be criminal in nature.

6 A person does not have to be aware of the applicable
7 law to do an act knowingly, but only needs to be aware of the
8 applicable facts. So what does that mean? It just means that
9 there's -- it's not an accident. Okay?

10 When we think about this and the testimony in the case,
11 there's been no evidence that there was any sort of accident.
12 You've heard no testimony from anybody in this case that this
13 was some sort of like accidental touching or there was -- you
14 know, there's no testimony that somebody didn't mean to or it
15 was, you know, Oh, I'm sorry, I didn't mean to touch your
16 vagina, I didn't mean to touch you like that. This was
17 purposeful. Okay. The State of Oklahoma has met their burden
18 of proof as it relates to that first element.

19 Second, we have to prove that there was a touching.
20 There was a touch or felt. So when it comes to the touched or
21 felt, I'm going to show you a clip from the forensic interview
22 now. And I hope the audio works. And if the audio doesn't
23 work, I'll try for a second to see if I can get it to work.

24 (Portion of the forensic interview played for the jury.)

25 MS. WHATLEY: He touched me in my wrong place. This

1 is one of the first statements that Brianna Jackson makes when
2 she's in that forensic interview with Ms. Cornett at the Mary
3 Abbott Children's House. He touched me in my wrong place. He
4 touched me.

5 Right there. Right there we've met that element.
6 Because, He touched me in my wrong place, and the State of
7 Oklahoma has to prove -- we have to prove that. That touched
8 felt element.

9 (Portion of the forensic interview played for the jury.)

10 MS. WHATLEY: Now is the time where I tell you I made
11 a mistake. If there's something up there that says Fifth
12 Element, that's incorrect. Don't pay attention to that.

13 But this clip is correct in the sense that it's
14 illustrating to you what he did when he was touching. So in
15 this clip, Brianna is explaining to Ms. Cornett how the
16 defendant wiggled his finger around when he was touching her on
17 her vagina. He wiggled his finger around and his finger got
18 there by going from the back first and then it came to the
19 front.

20 And she's describing that to Ms. Cornett, again, at the
21 Mary Abbott Children's House. And so at this time, she's
22 explaining what was happening to her and what was happening to
23 her body when the defendant was touching her.

24 And through those statements that she's making, again,
25 close in time to when that initial disclosure happened in July

1 of 2019, the State of Oklahoma has met their burden for that
2 second element of touching and felt.

3 Now we have to prove that it was the body or the
4 private parts of Brianna Jackson. And you have a definition
5 for that, okay? The body or the private parts are the genitals
6 or the sex organs. And in that interview, Brianna Jackson says
7 that the wrong place -- in the initial statement she kind of
8 says the wrong place equals her vagina.

9 (Portion of the forensic interview played for the jury.)

10 MS. WHATLEY: In this clip that I just showed you,
11 Ms. Cornett is making sure that the statement and the verb --
12 or not the verb, the terminology that they've been using about
13 this wrong place is actually the vagina that Brianna Jackson is
14 explaining, that she has that correct.

15 Now, when Brianna Jackson testified in the courtroom
16 this week, she never used the terminology wrong place, because
17 Brianna Jackson is almost 15 years old now and uses the term
18 vagina. But in that forensic interview, she clarifies that
19 with Christi Cornett and says, when I say wrong place, I'm
20 talking about the vagina. And so wrong place equals vagina.

21 And we know, based on the definitions that Judge
22 Balkman gave you, that the body or private part, wrong place is
23 the vagina. So the State of Oklahoma has met their burden of
24 proof as it relates to the third element, the body or private
25 parts.

1 Fourth, we have to prove that Brianna Jackson is a
2 child under 16 years of age. There's been no other testimony
3 other than she's under 16 years of age. Brianna Jackson was
4 born on October 16, 2007. That's not contested. There's been
5 no other testimony other than that's her date of birth. She is
6 a child under 16 years of age.

7 When she testified here, she's still under 16 years of
8 age and she was under 16 years of age at the time that these
9 crimes were committed. So we have proved our burden of proof
10 as it relates to that fourth element.

11 Fifth, we have to prove that it was in a lewd or
12 lascivious manner. You have definitions for this. Obscene.
13 Lewd means obscene, lustful, indecent, lascivious, lecherous.
14 Lascivious is characterized by or expressing lust or lewdness.

15 (Portion of the forensic interview played for the jury.)

16 MS. WHATLEY: In this clip from the forensic
17 interview, Brianna Jackson is trying to describe how that felt
18 when the defendant was touching her vagina. And she was
19 describing how that felt as a young child. And her description
20 is that that felt weird.

21 And I would imagine so, because imagine that.
22 A child trying to describe an act that's meant for adults. And
23 she's trying to describe it. It felt weird. It felt weird.

24 And I submit to you, ladies and gentlemen, that what
25 other purpose is there for an adult to touch a child's vagina?

1 There is no other reason. It's lewd. It's lascivious. There
2 is no other reason.

3 And think back to Brianna Jackson's testimony when she
4 sat in this chair right here and she sat in this chair and she
5 testified about running to that bathroom. About going through
6 the living room and going into that bathroom because she wanted
7 to check -- she wanted to check on her vagina.

8 Because in her little mind, when someone is touching
9 her vagina, that -- like that might mean that something's moved
10 around or that something bad has happened to it, because she
11 has no frame of reference. If somebody's touching it and it
12 feels weird, maybe something's wrong or something bad or
13 something's moved around. Imagine that.

14 That's lewd, that's lascivious, for an adult to do that
15 to a child. There is no other reason. And so the State of
16 Oklahoma has met their burden. But here's another clip to
17 relate -- and I know the volume is probably not great.

18 (Portion of the forensic interview played for the jury.)

19 MS. WHATLEY: It's kind of hard because that clip
20 that you just watched right now. But she talks about how he's
21 moving it, he touched slowly, and he touched the back part and
22 then he moved up. And her legs were closed. And then he had
23 to get her legs to kind of move. And it skipped a little bit
24 on that clip, but when you watch the forensic, you have to
25 watch the placement of Brianna Jackson's hands, because she's

1 doing something that Ms. Cornett described that children often
2 do.

3 And Ms. Cornett explained this in her testimony, where
4 they're describing things that have happened to them and
5 they're demonstrating it as if they're reliving it, because
6 that's how children sometimes are relating things that have
7 happened to them.

8 And she's doing this thing with her hands where she's
9 tapping and doing this (indicating) with her hands to show how
10 he was tapping her on the legs and moving the legs apart, as
11 she's demonstrating how he moved her legs apart to move his
12 hand up between her legs.

13 The State of Oklahoma has met their fifth element to
14 demonstrate that this was lewd and this was done in a
15 lascivious manner when the defendant slid his hand up between
16 her legs and touched her vagina with his hand.

17 The sixth element that the State of Oklahoma has to
18 prove to you, ladies and gentlemen, is that the defendant was
19 at least three years older than the child. Tiffany Norton came
20 in here and testified that the defendant was 37 or 38 years old
21 now, which would mean that when these crimes were committed,
22 that he was at least over 30 years old when Brianna Jackson,
23 again, was always under the age of 16.

24 And so at the time these crimes were committed, the
25 defendant was always over three years older than the child. So

1 the State of Oklahoma has met their burden as it relates to the
2 sixth element of the defendant being over three years older
3 than the child.

4 The next crime that the State of Oklahoma has to prove
5 to you is, again, a lewd act with a child, but our elements are
6 a little bit different on this one. We're going to go ahead
7 and not talk too much about the defendant being three years
8 older than the child because I've already talked about that.

9 We have to, again, prove that it was knowing and
10 intentional. So we have to, again, prove that this was not an
11 accidental touching. And so when we're talking about this
12 touching, we're talking about the defendant making Brianna
13 touch his penis with her hand. That's the conduct that we're
14 talking about. So we just have to prove that that was
15 purposeful.

16 That's purposeful. You're going to hear -- you heard
17 all sorts of testimony about how he took her hand and moved it
18 to his penis. Again, nothing was accidental about that. It
19 wasn't an accidental somebody bumping into each other or
20 anything like that. That that was purposeful. You heard time
21 and time again from Brianna Jackson about how the defendant did
22 that.

23 The next elements that the State of Oklahoma has to
24 prove, I'm kind of lumping all of these together, because in
25 this -- the way that this crime happened, all three of these,

1 the second, third, fourth -- I could really lump this big one
2 in but I'm not going to do that. The second, third, and fourth
3 all kind of relate together. So I'm going to take them all
4 together.

5 In a lewd and lascivious manner for the purpose of
6 sexual gratification. And fourth, we have to prove the force
7 required, slash, force to require, a child under 16 years of
8 age.

9 So again, we've got the obscene, lustful, indecent,
10 lascivious, lecherous, and be characterized by or expressing
11 lust or lewdness. And then for force, it's just any force, no
12 matter how slight, necessary to accomplish the act without the
13 consent of the victim.

14 And it doesn't have to be actual physical force since
15 fear, fright, or coercion may take the place of actual physical
16 force. So any force, however slight, it doesn't even have to
17 be actual physical force.

18 Okay. So this is the part of the forensic interview
19 where basically Brianna Jackson explains and demonstrates all
20 of those elements that I just kind of lumped together. And I'm
21 going to play that now.

22 (Portion of the forensic interview played for the jury.)

23 MS. WHATLEY: Just in this clip right here, she says,
24 He grabbed my hand, he made me touch it, his penis was up, it
25 was up straight, he moved my hand slowly toward it, it was

1 straight, it was -- she demonstrates. She doesn't use the word
2 palm, but she demonstrates that it was the palm of her hand
3 that was made to touch it. And then he said, It's okay, oh,
4 no, it's okay. And she was made to touch it slowly.

5 Just in that clip. And so just in that clip, the State
6 of Oklahoma has demonstrated all three of these elements,
7 because there is no other purpose to touch a penis that is
8 erect that is sticking straight up. There's no other reason to
9 make a child touch your penis than for sexual gratification.

10 And again, when we talk about that force and the
11 definition that you have for force, grabbing her hand,
12 directing her hand to his penis is the force required.

13 Now, I have demonstrated that in the clip, but I also,
14 too, want to remind the jury of the things that Brianna also
15 testified to in the -- from the witness chair as well.

16 So when we talk about the body and the private part of
17 another person, that's also his penis. And she said -- she
18 said the word penis. That's the word that Brianna Jackson said
19 in the forensic, and that's also the word that she said from
20 the -- from the witness stand.

21 There are going to be -- those are the elements. Those
22 are the elements that you have. I suspect that -- that the
23 defense is going to stand up and they're going to say that you
24 can't believe what the witnesses have said because they're not
25 credible, or there are inconsistencies in some of the things

1 that they've said.

2 And I spent quite a bit of time in jury selection just
3 going over how do you -- you know, how do you believe people or
4 how do you know that someone's telling the truth. Or how do
5 you know that something happened to someone when they're
6 telling you about it and it's been years or it's been some
7 time.

8 We talked about that, about how you would judge
9 credibility. And you do have a specific jury instruction that
10 tells you and gives you some guidance about how to judge the
11 credibility of witnesses.

12 And so this is an instruction that is meant to give you
13 some guidance on how to judge credibility. The interest, if
14 any, which the witness may have in the result of trial, the
15 relation of the witness to the parties, the bias or the
16 prejudice of the witness, if any has been apparent.

17 And what that means is, if that's been apparent from
18 the witness stand. If the attorneys have been able to point
19 that kind of bias out. Okay? If that's been obvious. If that
20 has been something that has been brought up with questioning or
21 pointed out with questioning.

22 The candor, the fairness, the intelligence, and the
23 demeanor of the witness. The ability of the witness to
24 remember and relate past occurrences. The means of observation
25 and the opportunity of knowing the matters about which the

1 witness has testified. From all of the facts and circumstances
2 appearing in evidence and coming to your observation during the
3 trial and then aided by the knowledge that you all possess in
4 common with each other person and all the conclusions that you
5 reach together.

6 So I want to talk for a second, because I have played
7 you a lot of clips from the forensic interview. And some of
8 those clips kind of -- with the technology and things, they
9 kind of lag and there was some lagging. Here's the thing about
10 those clips. I don't play -- I play those for you in a closing
11 argument as a tool for argument's sake.

12 You have the ability -- and I'm telling you right now,
13 as jurors in this case, you can watch that entire forensic
14 interview. You go back there deliberating, you want to view
15 that again, view it again. Go back there and do that. It's
16 Exhibit 6. You want to do that, go do that. Okay?

17 It's not meant for any other thing other than to
18 demonstrate different elements and things that she said. Okay.
19 Take that entire forensic interview all together, okay.
20 Because it's a 59-minute interview and there were a lot of
21 things that were said in that interview, okay. These are just
22 clips that I have played for you to demonstrate different
23 elements.

24 But Brianna Jackson testified -- she says things in a
25 forensic interview on July 22, 2019. She comes in and she

1 testifies in this courtroom this week, almost three years
2 later, okay. So here are some of the things that she said in
3 the forensic interview. Obviously, this is not everything that
4 she said in the forensic interview; it's like a 59-minute
5 interview.

6 He went back first and then to the front. He moved it
7 backwards -- okay, and this is what she said this week. He
8 moved it backwards and then went up over my body and then went
9 up towards my vagina, okay. In the forensic, she said, He
10 started wiggling his fingers around. And then in the courtroom
11 she said, He touched my vagina, moving his fingers back and
12 forth.

13 In the forensic, she said he doesn't -- she doesn't
14 remember hearing anything. And then when she testified in the
15 courtroom, she said she doesn't remembering hearing anyone.

16 In the forensic, she says that, He grabbed my hand and
17 -- He grabbed my hand and had his underwear on but made my hand
18 touch it -- talking about the penis. In the courtroom, she
19 said, He grabbed my hand and made me touch his penis.

20 In the forensic, she said, Like, his penis was up. He
21 made me touch it. When she testified in court, she said, I saw
22 his penis up, it was just straight up.

23 In the forensic, she said, He said, Oh, no, it's okay.
24 You are okay. And in the courtroom she said, He said it will
25 be okay.

1 In the forensic interview, she shows the interviewer --
2 she shows Christi Cornett what portion of her hand, and she
3 indicated the palm. And that was one of the clips that I
4 showed for you guys. And then in the courtroom she actually
5 used the word and she says, My palm had to touch his penis,
6 okay.

7 Now, Mr. Nedwick can get up here and he can try to say
8 that all these things are inconsistencies, okay. But think
9 about it. Really think about these things. Are these actually
10 inconsistencies for an 11-year-old child who, again, remember
11 this, has never watched that forensic interview? Not one time
12 has she ever watched that forensic interview.

13 Remember that. Remember that when you're trying to
14 think about that and when he tries to stand up here and talk
15 about all these different inconsistencies from Brianna Jackson.

16 Here's some other things that she said in her
17 forensic interview. She said, I went into the living room and
18 in the restroom, then my room to go to sleep right after all
19 this happens. And then in the courtroom, she said she went
20 into the living room, then the main bathroom, then my bedroom.

21 Then she says in the forensic interview, On the first
22 day I told them he touched the vagina, and on the second day I
23 told them the other things. And then when she testified, she
24 said, I told my stepmom most of the details. I haven't told my
25 dad all of those things.

1 Then she said in the forensic, One time he tried to
2 touch my boobies. He unhooked my bra. And this was during
3 this whole conversation in the forensic interview about the
4 wrestling events. Then in the courtroom when she testified,
5 she said, He tried to touch my boobs, we were wrestling, and he
6 unhooked my bra, okay.

7 And then she also said in the forensic interview this
8 happened in her mom's room. And then when she testified, she
9 talked about it being in his bedroom. But, again, this is the
10 shared bedroom between her mom and the defendant. These are
11 all of the things that she said.

12 I submit to you that the evidence has shown those are
13 consistencies, okay. We wouldn't expect every single word to
14 be exactly the same. We wouldn't expect that from an adult.
15 Certainly wouldn't expect it from a child. We wouldn't expect
16 every single word to be the same except from a seasoned liar.

17 (Portion of the forensic interview played for the jury.)

18 MS. WHATLEY: What this clip demonstrates, ladies and
19 gentlemen, is what Brianna Jackson is telling Ms. Cornett on
20 July 22, 2019, about the disclosure that she made to her
21 stepmom and to Mr. Jackson.

22 That she told them about the touching on her vagina on
23 the first day, and then she thinks she told them some of the
24 other things that happened like after that on the second day.

25 And I submit to you, based on Jeffrey Jackson's

1 testimony, that that's exactly what he sat here and told you.
2 He said, what I remember is the porch conversation and it was
3 about touching on the vagina on the porch. And then there were
4 some other things, and I think some of those other things came
5 to me from my wife, Caitlin. But I know everything that was
6 said to me either from my daughter or from Caitlin, I told law
7 enforcement. And what I'm testifying to today is the best of
8 my memory today. But if the police have it in the report, I
9 told them that.

10 That's what he testified to. And he testified to the
11 best of his memory as he stood here today or sat here today or
12 this week, in the courtroom.

13 And you have an instruction about, maybe there were
14 some inconsistencies in that, but you get to consider that only
15 to the extent that you think it affects the believability of
16 any of his statements, if at all.

17 And what I'm saying to you and what my argument to you
18 is, if you think that any of that affects his believability at
19 all. But I submit to you that based on the forensic, based on
20 what you know about the testimony that Brianna Jackson gave,
21 based on the forensic interview, and based on all the evidence
22 in the case, there are not all these inconsistencies. And
23 Brianna Jackson isn't inconsistent.

24 Because Jeffrey Jackson is only relaying information
25 that he got from Caitlin and from Brianna. The only statements

1 Brianna Jackson has ever made are in the forensic that are --
2 her own statements are in the forensic and what she testified
3 to today or this week in the courtroom. Everything else is
4 things other people are relating about her experiences. And
5 sometimes people get that jumbled up.

6 And all Jeffrey Jackson was doing was trying to be a
7 good dad and make sure the police had every ounce of
8 information that he had. So he calls up the police and he
9 says, Hey, like, I think there's these other things that
10 stepmom's telling me and I just want you guys to have all of
11 the information. Here it is.

12 And he didn't have the benefit of watching an interview
13 or reading a statement or anything. So he comes in here, he
14 testifies to the best of his memory and says this is it. Those
15 things aren't inconsistent. I submit to you the evidence shows
16 that those things aren't inconsistent.

17 I want to talk to you for a second about, you know,
18 people making this up, or people putting Brianna Jackson up to
19 coming up with, you know, this story to get the defendant in
20 trouble, or this is somehow, you know, some big plot to get
21 Dallas Norton in trouble.

22 Because in the defendant's opening statement,
23 Mr. Nedwick alluded to the fact that Mr. Norton, you know, gave
24 Ms. Norton some kind of divorce type papers, and then, you
25 know, not a surprise, a couple of weeks later, then this

1 allegation, you know, comes out.

2 So let's think about that for a second. Because to have
3 a conspiracy, a conspiracy is an agreement between multiple
4 people. They got to agree to be in on this. And so in order
5 for that to have happened, Bailey Ferguson would have had to be
6 in on this. Bailey Ferguson would have had to have known that
7 we're going to go after Mr. Norton.

8 So Bailey Ferguson would have had to know, I'm going to
9 run into Tiffany Norton at Wal-Mart and tell her, Hey, like I
10 stopped babysitting for you because it was, you know, bad
11 money, your kids were unruly, and oh, by the way, you know, I
12 felt uncomfortable and I got these pics sent to me. So she had
13 to agree, I'm going to tell you this.

14 And then Tiffany Norton would have had to have been in
15 on it, and she would have had to be like, Okay, I'm going to
16 run into Bailey and then I'm going to tell Jeffrey Jackson.
17 And then Jeffrey Jackson would have been in on it and he would
18 have had to have known, All right, I've got to get right what
19 Tiffany's going to tell me, and then I have to be able to know
20 what Tiffany's going to tell me to tell Bailey -- or to tell
21 Brianna the exact same thing that Tiffany told me. And then I
22 got to make sure that Brianna says the same thing.

23 But when Brianna goes and Brianna tells the forensic
24 interviewer, I got to make sure that Brianna tells them some of
25 the things, but then also leaves out, you know, some of the

1 stuff and remembers some of the other stuff so that when she
2 testifies at trial, you know, three years later, it can make
3 sense that she left out some of the things and told Caitlin
4 some of these other things so it can all make sense that --
5 makes sense that she said about the vagina part, but not about
6 the couch part.

7 I mean, think about all of these things that all of
8 these people would have had to have told each other. Don't you
9 think it would have made more sense and the story would have
10 been more synced up together? Like that's not even reasonable.
11 None of these things are even reasonable.

12 For all of these people to get together and all of
13 these people -- Jeffrey Jackson doesn't even know Bailey
14 Ferguson. And Jeffrey Jackson's living in Arizona, divorced
15 from Tiffany Norton for years, living separate lives. And he
16 doesn't even give a name.

17 If Tiffany Norton wanted to get back at Dallas Norton,
18 she would have given Jeffrey Jackson a name. And Jeffrey
19 Jackson doesn't even have -- doesn't have a relationship with
20 Dallas Norton, doesn't -- there's no reason for Jeffrey Jackson
21 to make up his testimony about, I didn't have a name, I didn't
22 give her the name. He would have no reason to do all that.
23 None of that makes sense. And none of that is reasonable.

24 The only reasonable explanation is that these things
25 happened to Brianna Jackson. They happened to her. And she's

1 able to relay them to you. She's able to demonstrate them to
2 Ms. Cornett. She's able to talk about them. And she's able to
3 remember them with consistency because they happened to her.
4 Because it's what happened to her.

5 And, yeah, it might have happened to her years ago, but
6 she's able to remember it because they're her own experiences.
7 That's what happened. And that's what the evidence has shown.

8 And because of that, the State of Oklahoma is going to
9 ask that you find the defendant guilty on both counts. When
10 you go back to deliberate, we're going to ask that you mark
11 both jury forms "guilty." We're going to ask that you find him
12 guilty and punish him accordingly. Thank you.

13 THE COURT: Thank you, Ms. Whatley.

14 Mr. Nedwick?

15 MR. NEDWICK: Thank you, your Honor.

16 Thank you all for being so attentive. You have been
17 here now -- this is the fourth day. And I know that you've
18 been paying attention. I know you've been taking notes.

19 So when Counsel laid the stage for my argument, telling
20 you that I was going to get up here and talk about all these
21 little inconsistencies, I'm going to try not to do that because
22 I know you were listening. I know you heard the evidence come
23 in. Not people's opinion of it, but the actual evidence itself
24 of the investigation, about these allegations, and whether or
25 not it truly was investigated.

1 So I will have to point out major inconsistencies, of
2 course. Did anybody in here in jury selection when Ms. Whatley
3 was asking questions about the -- how you would determine if
4 somebody's telling the truth or not, did anybody say, Well, if
5 a child says it, an 11-year-old says it, then it's true? I
6 don't -- that's all I need? If a child -- 11-year-old says
7 something, then it's true? Of course not.

8 Each of you talked about how, one, each of you
9 acknowledged that your own children lie. Apparently,
10 Ms. Whatley was acknowledging the same from at least one of
11 hers who has a pungent for Oreo cookies, because she talked
12 about how she would use circumstantial evidence to confront
13 him. So that's something to keep in mind.

14 You all talked about how you know the things you would
15 look for when somebody's not telling the truth. You did
16 acknowledge that minor inconsistencies over time would be one
17 thing. But the major stuff, you would remember. The big
18 stuff.

19 So the biggest problem with comparing the
20 inconsistencies in this case is that the State thinks the only
21 evidence in this case and the only statements made describing
22 this happened in this courtroom through that forensic interview
23 or her testimony. But that's not the case.

24 You can't ignore the very detailed descriptions that
25 she gave her father in Arizona. And those descriptions are not

1 minor inconsistencies. That was a statement just like any
2 other statement. In fact, it was the first statement before
3 any adult got an opportunity to talk with her, question her
4 further about it, or anything else.

5 That's what she told him about what happened. If it
6 was -- if we were talking about a minor inconsistency, that
7 would be one thing. But she described and made it clear,
8 throughout her testimony and her statements, she said she's
9 been clear about one thing for sure, and that's there's only
10 one incident in which he touched her vagina.

11 So the description of touching the vagina, we're not
12 talking -- there's nothing in the record that would indicate
13 that we're talking about more than one event that could be
14 confused with one another. Those facts have been undisputed
15 and clear.

16 So what does she tell her father? She tells her father
17 that Mr. Norton walked into the living room where she was
18 seated on the couch, wearing nothing but his underwear, sat
19 down next to her, put his hand on her leg, and touched her
20 vagina.

21 How do we know that? That's pretty detailed, right?
22 How do we know that's what Brianna told her father that night?
23 Because as he testified to, one, he was paying attention
24 alertly, just like we'd expect him to. Second, it was before
25 any other statements that they're talking about the next day

1 where she expanded on anything.

2 So how do we know that? Because the undisputed
3 evidence, uncontroverted evidence is that he called the police
4 within an hour for sure, but as he put it, pretty much
5 immediately after learning of these allegations. And he
6 relayed that as clearly as he could to the officer, and did so,
7 as he indicated on his -- in his testimony, that these are the
8 things Brianna said.

9 He's relaying those things to the officer. He has no
10 knowledge of this other than what Brianna told him. And he
11 relays that very detailed account of what happened to the
12 officer. The officer takes notes. He's recording it, but we
13 don't have that recording.

14 That's not Mr. Norton's fault. That's -- remember,
15 he's got no burden here at all. As far as putting on any kind
16 of evidence whatsoever or proving bias, he doesn't have to
17 prove anything.

18 But bear in mind that that wasn't recorded. So what we
19 have is what the officer wrote in his report, which he's
20 trained to do. Again, for the benefit of accuracy, these are
21 not minor details. So the officer wouldn't have mistakenly
22 written down that Brianna said this happened in the living room
23 after Mr. Norton walked in in his underwear, instead of, this
24 happened in the bedroom when she and Mr. Norton were snuggling.

25 That's not something that could have been an innocent

1 confusion or what have you. So when we talk about
2 inconsistencies, it doesn't get any bigger than that. To
3 ignore that -- and maybe there's an innocent explanation, but
4 we don't know.

5 The reason we don't know is because from the beginning
6 of this, the people who were supposed to investigate it did
7 nothing to investigate obvious discrepancies. They didn't
8 bother doing that.

9 They could have done it at the time and we wouldn't be
10 sitting here in this courtroom trying to figure this out. All
11 they had to do is look at the -- this doesn't make sense. How
12 many times did Ms. Whatley say, Well, that's not reasonable or
13 that didn't make sense? That doesn't make sense.

14 How does that make sense, to not ask a child or any
15 witness who's accusing somebody of a serious crime, wait a
16 minute, that doesn't make sense, it doesn't match up with what
17 you later tell? That was never done in this case.

18 And that's why we're here. In confusion. Perhaps the
19 evidence would have been clearer of guilt. I don't know. But
20 we'll never know. We're left to sort things out that should
21 have been sorted out a long time ago when they could be sorted
22 out.

23 But she wasn't asked about those things apparently, not
24 by investigators anyway. She was just given an opportunity to
25 come in and report child abuse. That's what she was given an

1 opportunity to do, which she had already done.

2 So had -- I ask you, if you were sitting in
3 Mr. Norton's chair or maybe the -- his family's chairs, knowing
4 that your loved one is accused of a terrible crime and somebody
5 -- the accuser was never questioned about, well, why did you
6 say this, why did you say that, could you explain that to us,
7 you don't even have to do it in an aggressive way, just explain
8 it to us. Any real investigation would do that.

9 You would expect it before you were charged, much less
10 put on trial, much less convicted, that these kind of
11 discrepancies be addressed in an investigation. That's what
12 didn't happen here. So here we are left with the only things
13 they say -- what you've heard in the courtroom, because they
14 didn't preserve the other stuff.

15 If that was recorded, we would have that too, the thing
16 where she clearly says something entirely different. We would
17 have that had they done their job. You'd be listening to it,
18 just like you're listening to that forensic interview over and
19 over again. And then you would be able to compare those.

20 Furthermore, as far as what you might be able to see,
21 had they done something here, is we might be able to see if
22 there was anything during this timeframe, which, again, is an
23 expansive timeframe. Started off as November, December of
24 2018. And then by the time she spends more time there in
25 Arizona, gets back with her mom, now it is, oh, I don't

1 remember when it was.

2 Well, everybody else remembers that Mr. Norton and his
3 family and his children didn't live in that house during
4 November and December of 2018. So maybe there was some
5 challenging of Brianna's initial story on that. And maybe
6 that's why all of a sudden, on the 22nd, she doesn't remember,
7 she just says it was prior to them getting married, which is a
8 long ways -- a long ways from November/December of 2018.
9 That's not a minor discrepancy.

10 But what we're talking about is what we might have. We
11 might actually have video of this incident that she alleges
12 happened. Or we might have real strong evidence that there was
13 no incident. Because there were cameras set up by Tiffany
14 Norton right there in the area where some of this stuff is
15 alleged to have happened, certainly in an area that would have
16 captured all of this area (indicating) and down the hallway.

17 We would at least know if on a particular night,
18 Brianna had gone in there, even that part of it, if that were
19 true. Let's not forget the other story that Mr. Jackson told
20 about Brianna going into the master bedroom. That's what he
21 testified to here. That's what he remembered Brianna telling
22 him. That Brianna went into the master bedroom and that her
23 mom and Dallas were in there lying on the bed, and her mom got
24 up. And then when she got up is when Brianna went there and
25 laid next to him, and her vagina was touched.

1 Again, that's not a minor detail. That's not, you
2 know, the color of your socks or anything like that. That's a
3 big discrepancy. Where did that story come from?

4 If she didn't tell it to them, then where did it come
5 from? Because he testified to it. He testified that that's
6 what she told him. So if that's not her statement, then where
7 did it come from.

8 He has no reason to intentionally say something that
9 discredits his daughter's testimony here in this courtroom.
10 He's telling you because what she told him that night was not
11 even close on major, major issues. That nobody -- nobody would
12 expect those issues to be ignored.

13 These cameras I was talking about, they would have been
14 set up to where they could have seen her go in that room or
15 anything that she says happened in the living room, and yet we
16 don't have anything. We don't have the camera footage. We
17 don't have any testimony about those cameras, except what was
18 elicited from me.

19 We have no indication -- in fact, the officer said that
20 Ms. Norton didn't even tell them that there had been cameras
21 set up to record the area where Brianna says this happened --
22 some of it happened.

23 Why wouldn't she at least tell the officer that. Why
24 wouldn't the officer ask about it. If we had done a real
25 investigation back then when these allegations happened, we

1 might have that video.

2 Brianna talked about that, those cameras and the
3 purpose of them. The purpose of them was for her mom to -- her
4 mom had set them up so she could keep an eye on the kids and
5 actually intervene if she saw something going on live and get
6 on the audio portion of it and tell them stop doing that or
7 what have you. Brianna testified to that. Said she remembered
8 that happening.

9 She also testified that this camera recorded, because
10 her mother had threatened her -- not just her. And when I say
11 threaten, that's a little strong. Would -- in order to kind of
12 entice them to tell the truth about a dispute, she would say,
13 Don't make me go to the camera footage.

14 So this -- these cameras were not only set up -- and
15 again, Ms. Ferguson, Bailey Ferguson, confirmed the presence
16 and location of both of those cameras as well. But they
17 clearly had the ability and were used to look in live, not only
18 on video, but audio, and to record. So there's no indication
19 whosoever.

20 Now, if this was true -- if this were true, which one
21 of you wouldn't run right away to see if the cameras had
22 anything that would support these allegations? Of course you
23 would. You would at least look.

24 And again, there's no question that those were there.
25 From the time Bailey Ferguson got there, they moved into that

1 house, up to when she left, which she said was December 2018.
2 Beyond that, we don't know if they were still set up. She did
3 say that the one on the mantle sometimes would get unplugged
4 because, I would assume, the other electrical devices that are
5 up there, TV plugs, stuff like that. But we don't have that.
6 More importantly, we don't even -- but for us bringing it up,
7 we wouldn't even know of its existence.

8 I submit to you that if this happened in your house,
9 this is alleged to have happened in your house, you would have
10 told the police, Hey, I might have had cameras set up, we might
11 have some footage of this, at least to look into it. That
12 didn't happen.

13 Speaking of the investigation, you guys heard all of
14 the testimony in here about the investigation or lack thereof.
15 And I say lack thereof because there wasn't an investigation.
16 It's less about criticizing the investigation and emphasizing
17 that there was none. Everything was accepted from the
18 beginning.

19 And when she's made these allegations, she went in
20 there as a victim -- to the Mary Abbott House as a victim,
21 presumed victim, of child abuse. So when she said stuff that
22 was drastically different than the things that she told -- that
23 led her to get there in the first place, the forensic
24 interviewer didn't say, Oh, that sounds a little different.
25 She says that's not her role. I get that.

1 And she explained her role is just give the child
2 proper environment to disclose if she wants to disclose.

3 That's it. And then the investigators do the investigating.
4 She doesn't challenge the child or anything like that

5 So -- and plus, she didn't know of the inconsistencies.
6 She said that the information she had was very limited. Well,
7 anybody can tell a story -- sit there and tell the story and
8 give those facts. If you don't have anything to compare what
9 they said in the past, of course it's going to sound
10 believable. Why wouldn't it sound believable.

11 So she was counting on there being follow-up
12 investigation. That's somebody else's role, to go and look at
13 the differences between what she said one time and what she
14 said the other, and get those cleared up. That didn't happen
15 here. And Detective Judy was the person that everybody was
16 counting on to do that.

17 Same thing with Officer Pierce's testimony. When he
18 testified, he said, Look, my role was limited. And he
19 explained, I was just there to get an initial report, and then
20 I forward that to a detective and the detective does all the
21 investigating.

22 He said that's what he expected to happen in this case.
23 And I went through things that he didn't do that he -- I asked
24 him, did he expect that to get done by the detectives. Yes,
25 yes, yes. And is that part of your training and experience.

1 Yes.

2 Well, those things weren't done here. So this
3 protocol, this process that they talk about, it's missing the
4 most important aspect, which is the actual investigation, where
5 all these things are preserved, all this evidence is preserved,
6 all these inconsistencies are addressed with the people who are
7 making them.

8 Can you imagine an investigation where you don't get
9 confronted with -- or your accuser doesn't get confronted with
10 saying that they were abused by you in a living room, after
11 somebody walked in in their underwear, all that detail, and
12 then the next time they tell it, they say it was in a bedroom
13 and they were laying down and so on and so forth?

14 Can you imagine how you would feel if that was never --
15 that witness was never asked, Hey, explain this to us. Why did
16 you say it this way versus this way. That's what happened
17 here. That happened over and over again. People just letting
18 it go, taking it as true.

19 None of you -- none of us resolve disputes in that
20 manner. Even if even a child tells you something that is
21 wildly different than they just told their dad two days
22 earlier, you're not going to say, okay, well, just -- is that
23 all you remember, is that all you remember, and leave it alone.

24 You're going to confront them with it and say, wait a
25 minute, you just told dad two days earlier that you weren't

1 there. That's the way we do things, even with children. And
2 the idea that for some reason when they're making an allegation
3 that can put somebody in prison, we ignore how we all know,
4 even with children, to resolve discrepancies, is absurd.

5 But that's exactly what happened here. Is everything
6 they say is pretty much, oh, no, we don't do that, we don't
7 question. We don't question. That's the investigative.

8 Well, the investigative didn't do any questioning
9 either. Does that meet that high standard beyond a reasonable
10 doubt? Is that the kind of evidence that meets the highest
11 standard that is recognized anywhere in the world in a
12 courtroom? With all the stuff that -- the manner in which
13 things were done in this case? Of course it doesn't.

14 I told you I wouldn't get into minor discrepancies.
15 That forensic interview, there's a lot of little things that
16 are a little bit different than her testimony in here. The big
17 thing -- the biggest thing is in that forensic interview and
18 any other time when she's talking about this, she talks very
19 detailed about being on her stomach when her vagina is being
20 touched; lying on her stomach, the hand going up the back of
21 her leg to her bottom, and then eventually underneath --
22 working its way underneath.

23 When she came in here to testify yesterday, she stated
24 repeatedly that she was lying on her back when he was touching
25 her vagina. That's not a minor detail. That's not a minor

1 detail. This is something that affects the rest of her vivid
2 description of how this happened.

3 Remember how Ms. Whatley -- and I expect Ms. Austin
4 will do the same when she talks to you -- emphasized, How would
5 she know that much detail of the hand going there and so on and
6 so forth?

7 Well, those same details, look at them in light of her
8 lying on her back and Mr. -- like she testified to in here --
9 and Mr. Norton lying on his back. It doesn't match up. So
10 this, again, is not a minor discrepancy. It's very important.
11 And those are the kind of things that you do forget when you're
12 not telling the truth. You can repeat a lie.

13 In this very courtroom before I ever talked to you
14 guys, I listened as Ms. Whatley was talking to you and you said
15 that the way you tell a lie is it tends to unravel. The story,
16 if it's a lie, will unravel. And that's what's happened.

17 Now, here's the thing. You guys have been led to
18 believe that, well, the only stories we're here to look at are
19 the ones that happened starting at the forensic interview. But
20 that's not where this case started. That story back then, when
21 she told that detailed account of what happened, and maybe
22 another account that involved her mom being in the bed, I don't
23 know why Mr. Jackson testified to that, but those were lies
24 back then.

25 Then she gets in the forensic interview, tells

1 something drastically different, and had anybody been
2 interested in looking at it from a critical standpoint rather
3 than just accepting it 100 percent, they would have seen the
4 unraveling. How could a story unravel more drastically than
5 this first story in Arizona compared to what she said in the
6 forensic interview?

7 So the unraveling happened. We just weren't there.
8 The statement she made back in Arizona, the detailed statements
9 that her dad relayed to you, compared to what she testified to
10 and what's in the forensic interview, is a lie completely
11 unraveled.

12 And the fact that that happened outside your presence
13 and you don't have a recording of it is not his fault,
14 Mr. Norton's fault. It's not your fault. But they've got the
15 burden, which they said they were glad to accept the heavy
16 burden. That's not meeting your burden if you don't do the
17 basics. That's not meeting your burden if you don't have that
18 addressed, the unraveling of this lie.

19 In addition to the cameras and the lost recordings, not
20 a single interview conducted in person. A couple phone calls.
21 That's it. A man's life is on the line, his freedom. And the
22 investigator never visits the crime scene, never talks to a
23 single witness face to face.

24 Would -- how do you judge the credibility of a
25 witness as an investigator, especially specialized trained,

1 which detectives are, of course, without sitting down, looking
2 at them, getting their body language, everything like that. Of
3 course that's part of a critical part of their training and
4 what they must do in order to assess the credibility of
5 witnesses. Didn't do it here. Just made a couple of phone
6 calls. That's it.

7 Another difference that I think is significant between
8 what Brianna said at the forensic interview versus what she
9 said on the witness stand, she was adamant on the witness stand
10 that she had no idea why she was coming to the Mary Abbott
11 House.

12 She, more than once, reaffirmed, No, I didn't know why
13 I was going there for. You saw the clip again. Ms. Whatley
14 replayed it. As soon as the forensic interviewer asked her
15 back then, Why are you here, Well, my mom's boyfriend touched
16 me inappropriately in a bad place. No hesitation whosoever.

17 And then I think also significant in that clip is then
18 she goes unsolicited into, And I didn't tell anybody because I
19 was scared. I didn't tell my mom because I was scared. She
20 wasn't even asked that question.

21 So it seems like she knew she was going to the
22 interview when you look at that clip. For whatever reason now,
23 she thinks it's important to tell you guys that she had no idea
24 why she was going to that interview. Probably because they're
25 trying to avoid any kind of appearance of coaching or arguments

1 that might be made that there was some coaching.

2 But there were clearly conversations that Brianna had
3 with adults between the time she made that first disclosure in
4 Arizona and the time of that forensic interview. How do we
5 know that? One, from Jeffrey Jackson's testimony. He said his
6 wife was having conversations with Brianna about things.

7 But Brianna also -- even though she says there weren't
8 any real discussions in between there, she knew stuff that she
9 shouldn't have known.

10 Remember on the forensic interview, where she says,
11 Well, my stepmom looked at his record and found traffic
12 tickets. How would she know that if they weren't talking with
13 Brianna about that? And again, that's before the forensic
14 interview. So clearly, she was having conversations.

15 The thing about the first reporting, trying to report
16 it to the Arizona police officer. Her dad was clear that
17 Brianna was not present for that. So if she wasn't present for
18 that, then how did she get up there and testify about talking
19 to -- trying to talk first to the Arizona police officer.
20 Because they were having conversations about it.

21 And I'm not attaching necessarily a sinister element to
22 this. I'm just telling you that her story includes information
23 from adults that makes it clear that there were conversations
24 going on.

25 So when she gets to Oklahoma and abandons the story

1 about this being November, December of 2018, it's very possible
2 that somebody, either her mom or her stepmom, has confronted
3 her with that and said, Hey, Dallas didn't live there in
4 November or December of 2018. Are you sure?

5 And then we get to the forensic interview and we have
6 this, I don't remember, but it was before they were married.

7 There's something that strikes me about when we were
8 first in this courtroom back on Tuesday. And it was when
9 Ms. Whatley was talking to you all about the abuser being in
10 control. The reason there wouldn't be evidence is because the
11 abuser's in control. You wouldn't expect there to be
12 witnesses. These things happen behind closed doors. Those are
13 the statements. The abuser's in control. The abuser gets to
14 determine whether there's witnesses and so on and so forth.

15 Well, look at it from this standpoint. If
16 Mr. Norton were inclined -- so inclined to do these things to
17 Brianna, the testimony was absolutely clear that he had
18 unrestricted access to Brianna the entire time Tiffany and he
19 were together. Why would this happen one time even before
20 they're married and never again. And on top of it, why would
21 it happen under those circumstances.

22 If he was in control, why wouldn't it happen when
23 nobody else was home. Why wouldn't it happen -- not behind a
24 closed door. Remember, Brianna said that door was not only
25 open when she walked into it, but it remained open. House full

1 of people. That's not a big house. I think the testimony was
2 1,300 square feet or something like that. But not a large
3 house. Relatively small house.

4 And he chooses the one time to touch her vagina on a
5 night when there's a bunch of people home, when he had
6 unrestricted access. You heard testimony about them being
7 alone with one another many times. And then on top of it,
8 everyone when he had moved out of the house.

9 Tiffany testified that not only did Brianna go with
10 him, but spent the night with him on at least one occasion at
11 his home wherever he lived at the time. They were alone all
12 the time in the car. These times that Brianna describes where
13 they are hanging out with one another before picking up the
14 other kids, all that kind of stuff.

15 But the other thing about that point is they tried to
16 -- again, without any evidence, they try to take things that
17 are -- unless you're assuming somebody's an abuser, they mean
18 absolutely nothing, and trying to make those into, this is
19 grooming.

20 They try to make it sound like, oh, he buys her stuff.
21 He's her stepdad. He buys her stuff, of course. But Brianna
22 was clear in her testimony that he bought the other kids stuff
23 too. And he was nice to the other kids.

24 Today -- or excuse me, yesterday, when she was
25 testifying, apparently, she's saying now that he was nice the

1 whole time. In that forensic interview, she says she got mad
2 at him after this touching. That she liked him, but then after
3 this touching, she got mad at him.

4 But she's -- Brianna testified that he liked all the
5 kids, that he bought stuff for all the kids. Sometimes he
6 bought the other kids stuff. We know that. He apparently
7 bought a speaker for the truck of her brother. He wasn't
8 buying other people or Brianna anything other than snacks,
9 which all the kids were getting.

10 All these things, the cuddling that was alluded to as
11 grooming. She testified that they all cuddled. All the kids
12 cuddled. Nothing unusual about that.

13 So, again, if you start off from a position of guilt,
14 all those facts that would be present in any case can look
15 suspicious. But if you start off as you're supposed to from a
16 presumption of innocence, that's just normal behavior between
17 dad -- stepdad and the child, which was consistent with the way
18 he treated the other children.

19 Another aspect that just doesn't make sense is she says
20 in the forensic interview that she was scared of him. Now,
21 remember, she says this happened way back before June of 2018
22 when they were married.

23 You see throughout this case that she continues to
24 hang out with him, and no indication whatsoever of any
25 reservation, fear of any kind. And now she's kind of changed

1 her story when she came in and testified in person. They
2 seemed to embrace the fact that they always got along even
3 after this happened.

4 That's probably because through the exhibits that you
5 see and the testimony, the uncontroverted testimony, they
6 continued to hang out and she actually wanted to go to his
7 house even when he didn't live there. And she would make those
8 requests.

9 That's not evidence of her being scared of him. Far
10 from it. You saw the exhibit right before she left for Arizona
11 where she's wearing his coveralls and calling him dad.

12 As far as having knowledge of these type of things,
13 which Ms. Whatley was talking about, at 11 years old, why would
14 she know this kind of thing. I want to remind you, she had a
15 house full of kids, siblings who were older than her, two
16 brothers, and a -- three step siblings, two of which were
17 older, just in that household. The blended family between
18 Tiffany and Dallas.

19 You know the kind of conversations that go on
20 generally in those kind of environments with teenagers. But in
21 addition, you heard in this case from the witness stand that --
22 specific examples of one of the children talking about sexually
23 explicit language in front of the babysitter and actually
24 touching her on the butt.

25 So you know that in this case, that kind of stuff was

1 going on in the home. I'm not trying to say that that was
2 particularly unusual. I think when you have a blended family
3 with a bunch of teenagers in it, you're going to have that kind
4 of conversations from time to time.

5 The other thing is that's only the blended family
6 between her and Mr. Norton. Remember, when she comes back from
7 Arizona, somebody's already moved in with her mother and she's
8 got more kids living with her again.

9 So there is plenty of reason to believe that she had
10 exposure to adult things, although she's an 11-year-old. Not
11 to mention her own testimony about watching things on Netflix
12 and learning from Netflix and YouTube.

13 Now, Ms. Austin clarified with her that -- what she was
14 talking about as it relates to counseling was -- that was after
15 this allegation came up. However, she didn't just learn about
16 YouTube and Netflix because of this allegation. That's a part
17 of the household. So she also had access to that back when she
18 was 11, 10, 9, as did all of her older siblings.

19 So those things are present here, and you shouldn't
20 assume that an 11-year-old would have no way of knowing these
21 things. They can repeat anything, as you know. And if they're
22 not challenged on it, they will repeat it. And it encourages
23 them to continue repeating it if they're not challenged on it.

24 The things that she testified to surrounding these
25 events, if you find that impressive or evidence of -- they'll

1 argue that's evidence that really happened. How else would she
2 remember that it was sunny outside or that they were wrestling
3 or this and that? Because those things happened. Those things
4 happened to her. There's no question about it.

5 There was times when, you know, she was riding the
6 bikes outside with her brothers. There were times when people
7 were building forts in the house. There were times when they
8 were wrestling, all that stuff. There were times when they
9 were cuddling.

10 So it's easy to recall and bring those into a story.
11 That doesn't make it true. That doesn't make it evidence of --
12 the only evidence here on the important details, they're
13 contradicted. Whether it was sunny outside, whether they're
14 building a fort or watching TV, which is what she said during
15 the -- that her brothers were watching TV, that's not the
16 important part. The important part is the stuff we already
17 talked about. The stuff that is made up.

18 Mr. Norton never walked into the living room in his
19 underwear, sat down next to her, and touched her vagina. We
20 know that. They're not even saying that that happened now.
21 But yet, I didn't bring that. I didn't invent that. That came
22 from the witness stand. That was her story. It can't be
23 ignored.

24 The same with the story about leaving the bedroom or
25 going into the bedroom and her mom leaving the bedroom. Those

1 stories came from some place. They came from Brianna. That's
2 how the whole thing started. So if we ignore those, then we're
3 not doing our job, which added to the list, because that's why
4 we're here.

5 They didn't do their job investigating that in the
6 first place. Had they done that, an investigation at all, then
7 either these things would have been addressed and explained or
8 we wouldn't need to be here at all.

9 And if you presume innocence as we're supposed to, and
10 require them to hold their burden of producing all the evidence
11 beyond a reasonable doubt of guilt, then that level of
12 investigation and evidence that was presented in this courtroom
13 over the last three days, does not meet that highest burden.

14 And because of that, we're asking you and we believe
15 you should find him not guilty, as you've been instructed.

16 Thank you.

17 THE COURT: Thank you, Mr. Nedwick.

18 Ms. Austin.

19 MS. AUSTIN: Well, ladies and gentlemen, I am not
20 going to take a long time. I know you guys are going to be
21 sitting straight through this, and it's going to take a little
22 bit of time. I know that you've been hearing a lot of things
23 go on.

24 But I want you to not -- make no mistake -- make no
25 mistake of why we're here. We are here because of what this

1 defendant did. We are here to determine what he did to Brianna
2 Jackson when she lived in that home with him, on Fox Run
3 Crossing. Okay?

4 What Mr. Nedwick just talked to you about for a long
5 period of time, think about the things he said, because what we
6 say to you is not evidence. This is argument of us talking
7 about the evidence. And he talked to you about things for at
8 least 20 minutes of things that you do not have to consider.

9 He talked about, think about this if this happened,
10 what about this if this happened. You are to consider the
11 evidence that you have. In fact, he just talked about a lot of
12 things you have no evidence of.

13 You have no evidence of inappropriate sexual comments
14 going on in the home or that they're all watching YouTube all
15 the time or those things going on. You have no evidence of
16 that. You have them asking, Did Connor touch the babysitter's
17 butt. Okay. That has nothing to do with anything. Nothing to
18 do with anything.

19 He just stood up here and called Brianna Jackson a liar
20 for 50 minutes and talked about all the reasons why what she
21 said to you in this courtroom and what she said on that
22 forensic interview was not true.

23 But think about it, ladies and gentlemen. Why would
24 she say those things. What motive did Brianna Jackson have to
25 make any of this up. She has absolutely no motive to make it

1 up. Her mother had no motive to put her up to it, because I
2 think that's kind of what they're saying she did also. Had to
3 be saying she put her up to it because why would Brianna
4 Jackson do this.

5 What did she gain? Absolutely nothing. She is now
6 labeled the victim of sexual abuse. She's finally going to go
7 to a new school this following year where no one knows
8 anything. She's going to get a fresh start.

9 She's had to go to a forensic interview. She had to go
10 to counseling for a year. She had to testify at preliminary
11 hearing. She had to testify in here in front of you. She had
12 to come home from Arizona early that summer because she told
13 her dad what happened.

14 But remember, she didn't just one minute get together
15 with her mom and say, hey, I'm going to come up with this.
16 Someone else asked her. Her dad came to her and asked her.
17 And she told him what happened to her.

18 There's a lot of discussion about, oh, it's
19 inconsistent because of what Jeffrey Jackson said and that
20 story was wrong and the lie unraveling. Remember what you have
21 heard. Brianna Jackson told her dad what happened to her. He
22 told her -- she said she didn't tell him everything, but she
23 told him. And then he talked to his wife and then they -- he
24 got to the phone, he called the police. And then he told the
25 police.

1 So this police report you have is Brianna telling her
2 dad and then Caitlin, and then Caitlin then talking about it,
3 and then them calling the police, and then the police writing
4 it down and then bringing it to you. That is one person's
5 story on top of another, on top of another, on top of another.

6 That's why it's called an initial disclosure. And they
7 take that initial disclosure, and then they go and sit down and
8 they talk to the child and they get it from the child, not from
9 a second person, not from a third person, not from a fourth
10 person. They get it from the child. And that's the testimony
11 that we're presenting to you.

12 Yes, she initially told her dad. But what we're
13 holding Jeffrey Jackson to is a standard that is impossible.
14 An impossible standard. Jeffrey Jackson, tell us word for word
15 for word what happened when your daughter uttered the most
16 unthinkable, terrifying, horrifying things that you have to
17 hear from your daughter. I want you to get it accurate and I
18 want you to get it accurate every time. And then I want you to
19 make sure that that police officer wrote it down 100 percent
20 right.

21 Think about that. Just think about that for a second.
22 We've got Jeffrey Jackson. And he's told these things by his
23 daughter. And remember what we were told by Christi Cornett.
24 Christi Cornett told you that memory is a crazy thing, and that
25 when traumatic things happen, it is hard to recall things. And

1 that sequencing is hard. And details are hard on things.

2 But it's hard to remember things, and it's just
3 jumbled sometimes and it comes back bits and pieces.

4 That sequencing is nuts. It's crazy. Okay.

5 Jeffrey Jackson's sitting down and his daughter, when
6 he asks has anything happened to you, she says, no, no. And
7 then she's fidgeting and she's not acting right and she's not
8 looking at him. And then she says, okay, something did happen
9 to me. And she starts talking. And he starts hearing things
10 from her.

11 He starts hearing things from her about her vagina
12 being touched and her having to touch someone else's penis. A
13 man, a grown adult man has touched his baby girl. And he's
14 hearing these things. And he's hearing these words.

15 He's hearing things -- obviously, about mom being in
16 the kitchen, about on the bed or on the couch, under the
17 panties, touching vagina. He was only in his underwear. He's
18 hearing all these things from his daughter. And tried to touch
19 her again. All these things.

20 But one of the things he's hearing for sure is touched
21 vagina and touched penis. And he hears these things. And he
22 hears all these words together. Tried to touch on the couch,
23 under the panties, mom in kitchen, on the bed, all these
24 things, Dallas Norton. And he's like, oh, my God, I have to
25 keep all these things straight. But he can't because his

1 daughter is telling him these things.

2 Oh, my God, my daughter's been touched. A man touched
3 her vagina. I have to call the police. Talking to the police.
4 Hey, he tried to touch her again. And then one time -- it was
5 by Dallas Norton all that time. And it was on the couch and he
6 was only in his underwear and it was under her panties and mom
7 was in the kitchen and it was on the bed. All these things are
8 just coming back to him. And he's telling them to these
9 officers. Does he get it wrong maybe? Sure.

10 How are we going to hold him to a standard to get it
11 absolutely accurate when all he knows for sure is that touched
12 penis, and he touched vagina? He knows those things for sure
13 because we know he's not lying because he comes in here and
14 tells you some of these other things today, when he comes in
15 here and testifies because he's trying to remember what his
16 daughter said. But he knows -- through all of it, he knows
17 touched her on the vagina, and he had to touch -- she had to
18 touch his penis.

19 If it was a lie, they would have rehearsed it the whole
20 way back from Arizona and she would be saying the exact same
21 thing. But we cannot hold Brianna Jackson accountable for
22 whether or not her dad relayed it accurately to the police and
23 the police accurately put it in a report.

24 We have to listen to what Brianna Jackson said. And
25 what she said in her forensic interview was all of these things

1 that her dad said. Just her story. Not his version of it.
2 Her story. Because it's her story to tell.

3 And she tells you it happened in the bedroom. It
4 happened on the bed. Touched my vagina. That's what dad comes
5 in here and tells when he comes in this week. He says on the
6 bed, touched vagina. Now he says mom in the kitchen. But
7 Brianna tells you there was a time the defendant came into the
8 living room, sat on the couch next to her, mom went into the
9 kitchen, cooking dinner, tried to touch her vagina.

10 All of those things are consistent. It's just she gets
11 to tell what happened and her story's what's important, not the
12 way Jeff Jackson relayed it.

13 It's that telephone game we all remember as a kid. One
14 person says something, another person says another. By the end
15 of it, it's not even the same in the beginning. That's why it
16 comes to you that, yes, she disclosed to her dad. But what
17 we're relying on is her story to tell.

18 And when she sits down in that forensic interview, she
19 says these are the things that happened to me. And she's
20 extremely consistent. Because she says it happens in the
21 bedroom. And then she's very good at telling the scenario
22 about him unhooking her bra every time. Bed and bra.

23 But she tells Christi Cornett there were other times,
24 but I just don't remember them right now. So she's not saying
25 it didn't happen at all. By the time she comes in here, she's

1 able to talk about that. We've been through a year of
2 counseling, and she's able to give details about what happened
3 on the couch.

4 And you know she's testified before because defense
5 counsel talked to her about that. And you can guarantee if she
6 testified inconsistent, he would have said, didn't you testify
7 before and not say that. So you know she's talked about these
8 times before. Brianna Jackson is coming in here and telling
9 you what happened to her.

10 Now, defense counsel wants to talk about this
11 investigation. And I don't know that I'm going to stand up
12 here and defend what Sean Judy did or did not do. That is an
13 investigation that's done by the Norman Police Department. If
14 you were unhappy with that investigation, the remedy to that is
15 to not say, okay, we're just going to find him not guilty when
16 we have evidence.

17 The remedy to that is, hey, complain to the chief,
18 Chief Foster. We'll give you his phone number. You can call
19 and complain on Sean Judy if you don't like his investigation.
20 But just because we don't like an investigation, the remedy is
21 not to let a guilty man go free.

22 But let's think about what he didn't do, what he keeps
23 saying. And whether or not those things are important
24 whatsoever. He didn't take photographs. Well, okay. You have
25 photographs. So we got those. So you know he didn't do it.

1 We still have them. We're here with them.

2 Sketch. You got a sketch. Okay. He didn't talk to
3 people face to face. Well, those people came in and you got to
4 see them face to face. You got to see what they say and what
5 their testimony was.

6 I think they were even faulting him for not talking to
7 Jeffrey Jackson face to face when he lived in Arizona. And I
8 think we cleared up that wouldn't have been something to do
9 anyway.

10 Talks about lost recordings or videos or things like
11 that. The testimony from Officer Pierce was he thinks he
12 tagged his video camera and it must not have been saved. The
13 video camera, if it had recorded anything, would have been him
14 talking to Jeffrey Jackson. It would not have been him talking
15 to Brianna Jackson.

16 It was not a statement by Brianna Jackson. It was an
17 initial police report. It's like if someone's calling 911 and
18 saying, here's what's happened. And then people get out. They
19 just seen something happen, but they may be totally
20 misunderstanding what something was that happened.

21 That's why you talk to the person, the person itself
22 that something happened to, and you get the details from them.
23 And that's what they did in this particular case.

24 This whole discussion about videotape, whether or not
25 there was a camera. If you'll notice, defense counsel didn't

1 ask Tiffany Norton anything about those cameras. He didn't ask
2 if they were there, if they were working, what was going on at
3 the time.

4 The only person who was asked about that was Bailey,
5 who it wasn't her home. But she knows there was one in there
6 undone, and Brianna, a child, who has no idea whether or not
7 those were working. And so he wants you to assume that in July
8 of 2019, that there would have been footage from before they
9 were married -- before they were married -- footage. It would
10 have been before June of '18, footage still on there that would
11 have captured Brianna coming out of the bedroom. That that
12 would have been there.

13 That is something that assumes facts not in evidence.
14 You do not have that information. You have no idea if those
15 cameras were even there before they got married because no one
16 was asked a timeframe about those cameras.

17 So just to stay, oh, they didn't get the cameras,
18 nobody knows if they were even there. So that's just them
19 saying, hey, they should have done it and they didn't. That
20 doesn't mean this crime didn't happen.

21 Do we wish Sean Judy would have done more things?
22 Probably. In every case -- you heard Christi Williams -- or
23 Christi Cornett say every time I watch a forensic interview,
24 there's something I wish I would have done differently. We
25 always have that. We were in here Monday morning,

1 quarterbacking is what we're doing. All you can do is look at
2 the evidence that you do have. And the evidence that you have
3 is extremely consistent.

4 You have Brianna, an 11-year-old child, talking to you
5 about a sexual experience that happened to her. How it felt
6 and what it felt like on her body. She always says -- in the
7 forensic interview she says she is on her stomach initially,
8 and then she is -- she says first she's on her stomach, back,
9 then front, is how she talks about it.

10 If you get an opportunity that -- and, again, you'll
11 have all this evidence to take back with you, including the
12 forensic interview. And Ms. Whatley talked about you can watch
13 the forensic interview.

14 There's some restrictions on watching that. You have
15 to ask for specific parts that you want to watch, and you can
16 do that. But she's very confused. When Christi Cornett is
17 trying to talk to Brianna Jackson -- again, an 11-year-old, who
18 I will tell you looks much older than an 11-year-old, but
19 you've seen her here in this courtroom and you understand and
20 you can assess her level of understanding things.

21 She says, how were you laying and this and that. And
22 Brianna looks confused. And she kind of looks at her and she's
23 like -- she asked and she furled her brow a little bit, and we
24 even talked about that a little bit when Christi was
25 testifying.

1 She's confused about it. She wasn't asked the
2 questions that I asked her in the courtroom, which were what
3 part of your body was touching the bed. What were you looking
4 at. Because remember when I asked her those, she would say, My
5 back was touching the bed or my front was touching the bed. I
6 had rolled over. I could see the bathroom.

7 She would say those type of things. So it's all how
8 the question is asked. But what Brianna is very clear about
9 always is this defendant started when she was on her stomach.
10 And he took his hand and he ran it up her leg, and then he
11 started touching her butt first. And he went from her butt,
12 slowly to her vagina, and was touching her vagina.

13 She indicates -- she's older now. She's 14. She's
14 able to articulate better. We were able to ask the questions a
15 little better and her understand. Because again, when she's 11
16 and being asked those questions in that forensic interview, you
17 can just see the not understanding of what we're asking.

18 Because although we're trying to picture it in our
19 head, she's just reliving it. She's not going, I don't -- why
20 don't you understand what I'm saying, I'm telling you what's
21 happening. Kids aren't like us. They don't have the process
22 we do. But now that she's 14, she's a little older, we can
23 say, what part of your body was touching the bed, where were
24 you looking, how is that. And she describes back then the
25 front. So he started at the back and then he went to her

1 vagina. And she gives you such fantastic details about that.

2 Now, Mr. Nedwick wants you to believe some things from
3 the forensic interview but not all. He wants you to believe,
4 oh, that she went and got candy with him and oh, that he bought
5 other people, you know, a radio for their truck or whatever.
6 Believe some of it, but don't believe all of it, okay.

7 Brianna Jackson has absolutely no motive to make this
8 story up and no motive to lie. She benefits from it in no way.
9 Her life didn't get better. She didn't -- if the motive was, I
10 guess she wanted to stay in Arizona maybe, she didn't. I don't
11 know what the motivation would be.

12 She tells you and she tells the forensic interviewer
13 she liked him. She liked Dallas Norton. Is she mad at him
14 because he tried to touch her -- he touched her vagina and then
15 kept trying to do it? Yes. But she still likes him.

16 He wasn't mean to her all the time. He's not the
17 boogeyman who came into her house in the middle of the night
18 and physically hurt her by harming her in some way. He's a guy
19 who lives in her home and she wants him to be nice to her.

20 And you heard testimony about this family dynamic. You
21 heard that her mom has a boyfriend all the time, sometimes
22 additional -- a new boyfriend, moving other people in.

23 This is a little girl whose dad lives hours and states
24 away. She is craving that dad figure in her life. And this is
25 a man showing her attention. And cuddling with her, he's in

1 her life total -- I think what we added up from when they get
2 together in August of '17 and there's the breaks, and then
3 they're not together in May of '19, maybe 17 months he actually
4 lives in her home. And he is cuddling with her in a bed. He
5 is touching -- wrestling with her and touching her and doing
6 things like that.

7 He is cuddling with her in a bed because she is craving
8 that adult male role model in her life. No fault of her dad's.
9 He lives in another state. But she only gets to see him every
10 so often and this defendant took advantage of that.

11 This is a crime of opportunity. She came in, he had
12 comforted her enough, gotten to the point where she would come
13 and cuddle with him, and he took advantage of it. He crossed
14 that line.

15 Remember what she said in her forensic interview. She
16 had cuddled with him before. And she doesn't know why he did
17 this on this day. She has no idea why he did this on this day.
18 But he did. He crossed the line. And she went from
19 stepdaughter, mom's boyfriend, he went to the abuser, and she's
20 a victim because of a choice he made.

21 So think about that. Why would she make it up?
22 Because she wanted him in her life. But after that happened,
23 he didn't stop. Now, Mr. Nedwick just said, well, why did it
24 only happen once and why didn't he do it more.

25 He tried. Think about it. He tries to touch her -- he

1 touches her in the bedroom that night and she leaves the room.
2 And she doesn't immediately say anything. She doesn't say
3 anything. He's not in trouble. Police don't start knocking at
4 his door.

5 So again, he tries again. He's got her on the couch in
6 between her sister. She's sitting in the middle, sister is on
7 the other end. And he tries again.

8 Mom's in the kitchen. He's getting brazen at this
9 point. He's got to see how she reacts. How does she react?
10 She gets up and she leaves the room. She gets up and leaves
11 and he doesn't do it again to her that day.

12 And then he tries again. He gets her alone in the
13 house, which Mr. Nedwick says they're alone all the time. You
14 have no evidence that they're alone all the time. None. In
15 fact, you have this -- very few times, in fact, she's just in
16 the other room while the other kids in the house. Because
17 there are six kids living in this home. It's probably very
18 rare that they are actually alone. That's why it's a crime of
19 opportunity.

20 So he brings her home that one day from school and
21 wrestles with her, makes her relax. She's relaxing. And he
22 tries to unhook her bra. And he unhooks her bra, but she
23 immediately does what? She doesn't just let him unhook the
24 bra. She jumps up and she stops it and she hooks it.

25 So he's testing the waters. He's testing the waters,

1 seeing, Is she going to let me do this, is she going to let me
2 get away with this. Am I going to be able to progress, am I
3 going to be able to do more. And she's not. She's not letting
4 him do more.

5 There are times she goes and visits him in that
6 three-month time period that he moves in with another woman,
7 with Shyanne Pike. He's dating her. He doesn't do anything to
8 her that time because he's not on stable footing at that point.

9 Mom and me are broken up. He's got to kind of, you
10 know, be very gentle with it, because if he does anything to
11 her, she doesn't have as much loyalty to him with him not
12 living under her roof.

13 So he's not touching her all the time because she's not
14 letting him. And remember in the forensic interview she says
15 he tried to touch me more times but I didn't let him. We're
16 putting it on her. An 11-year-old is having to make sure that
17 this doesn't continue to happen because he keeps trying. He
18 keeps trying and it doesn't work.

19 So maybe he gives up. Maybe he was going to keep
20 trying but the relationship fizzled. Maybe there's all these
21 people in the home. Maybe the schedules had changed. But it
22 doesn't matter whether or not he tried it again or didn't try
23 it again. He did it. And he did it once in the bedroom. He
24 did it once on the couch. He tried. And then he tried again
25 later with the bra -- unhooking her bra while they're home

1 alone. It's a pattern, a pattern of what this defendant is
2 doing.

3 Now, if this is some big conspiracy according to them,
4 why is Brianna Jackson and Tiffany -- why didn't they make it
5 up worse? Why isn't she saying it happened all the time, day
6 after day, and he did this and he did that, and all these
7 additional things that had to happen to make it this big, big,
8 big story.

9 It's what it is because it's what happened. And it's
10 Brianna Jackson's story to tell. No one else's. Not her
11 dad's, not Officer Pierce's, not her stepmom, Caitlin. It's
12 her story to tell.

13 And when she came here and told you in this courtroom
14 and on that forensic interview -- it's consistent what she told
15 you. This defendant touched her vagina and then took her hand
16 and placed it on his penis.

17 Ms. Whatley talked about those elements and how you
18 prove it's lewd and lascivious. We know it's lewd and
19 lascivious, because what does she tell you about when she has
20 to put her hand on his penis? She describes in a child's way
21 of describing an erection under -- which is inside his
22 underwear.

23 She describes it sticking up, and she could see it
24 under his underwear. That's the way she described it. So we
25 know it's lewd and lascivious because he's got an erection

1 because he's touching her vagina and then having her touch his
2 penis. It is lewd and lascivious right there.

3 It's a child's way of describing things. That's what
4 you have when Brianna Jackson talks to you, both here and in
5 the forensic interview.

6 The -- another way we know that -- we know Tiffany
7 didn't put her up to saying this, is think about how Brianna
8 Jackson talks about how her mom reacted to this. She says she
9 didn't tell her mom because she thought her mom would be mad at
10 her. No mom is going to put up a kid to saying these things
11 and making them up about a boyfriend and saying, yeah, and then
12 say you thought that I would be mad at you, because that would
13 make her a bad mom.

14 Because that means Brianna Jackson thought her mom
15 would choose a man over her. No mom is going to put her up to
16 it and say, yeah, say that too. She thought her mom would be
17 mad.

18 And then think about the things she testified about.
19 You know, did you and your mom talk about this? No, she
20 doesn't like to talk about it. She doesn't want to hear about
21 it. She doesn't -- kind of hurt her feelings. Mom didn't want
22 to talk about it.

23 So she had to suffer in silence because her mom didn't
24 want to talk about it. Is that what a mom would put her up to
25 do, is, Say I wouldn't talk to you about it, it made you feel

1 bad that I wouldn't talk to you about it. No, because it makes
2 her mom look bad. I mean, it's sad. It's sad that her mom
3 wouldn't help her more on that and that she didn't think her
4 mom was there for her. No one's going to tell your child --
5 put them up to that and then make her look bad.

6 But it also tells you how Brianna Jackson was feeling.
7 If she had made this up and this was a story that wasn't true,
8 she would be telling it word for word for word every time
9 because kids, they can't keep lies straight. They just can't.
10 But she's not telling it word for word. She changes her
11 wording because she grows up and her terminology changes.

12 She wouldn't be saying her mom was a bad person in this
13 if that wasn't true. She talks about her pain that she's felt
14 about that because she had to look -- she saw on YouTube now
15 and now she realizes that maybe that's why her mom was acting
16 that way.

17 Why would that even be something she'd be thinking
18 about? Because this happened to her and she's been suffering
19 through this. She went to a year of counseling. If you're
20 making it up, as a kid -- as a 12, 13-year-old going to
21 counseling for a year, you're certainly going to give it up at
22 that point if it's not true, because you're not going to want
23 to go to counseling all the time for a year. We know she's
24 telling the truth on that.

25 The insinuation in the opening statements that it was

1 because of the divorce, divorce papers were filed June 27th and
2 then, oh -- or she had signed some papers on June 27th, and
3 then a few weeks later this allegation comes up.

4 Again, Bailey Ferguson would have to be in on this.
5 And the fact that Tiffany Norton would put her daughter up to
6 this and say wait until you're in Arizona, and I'm going to
7 call you there and then you're going to tell, that would not
8 happen because she wouldn't have control over the situation.

9 The daughter is not even there to control. Why would
10 you have her disclose to someone else in an area that you
11 couldn't talk to her about it? She talks to her mom maybe once
12 a week, she said, when she's in Arizona. She doesn't talk to
13 her very often. There's absolutely no reason for Brianna
14 Jackson to disclose what happened to her on July 14, 2019,
15 unless it happened. No other reason.

16 Again, her life didn't get better. She liked the
17 defendant. She knew -- she thought her mom would be mad at
18 her. And she's the one who's asked about it. They come to her
19 and she says, this is what happened to me.

20 Now, I know that you had evidence that this has -- of
21 the different things that have happened with his hands inside
22 her shirt, his hand on her thigh where he tried to touch her.
23 Those other times that happened are not the ones that are
24 charged.

25 The ones that are charged, Count I and Count II, are

1 what you have in the bedroom. And they're two counts even
2 though they're very close in time to each other. They're
3 within the same few minutes. And you might be wondering why do
4 we have two different charges for the things that went on at
5 the same time.

6 Because he could have just stooped at one. He could
7 have just stopped. Touched her vagina and when she rolled
8 over, he could have just stopped. But he didn't.
9 He didn't. He then made an 11-year-old touch his penis. He
10 grabbed her hand and put it on his penis.

11 So we have two different crimes because it could have
12 just been one. But it wasn't enough for him. He needed that
13 sexual urge figured out. Figured out what to do. He has her
14 hand and puts it on his penis. So he could have just stopped,
15 but he didn't. That's why there's two separate crimes, because
16 he committed two separate acts.

17 So not only, as an 11-year-old little girl, does she
18 find out what it feels like for an adult man to touch her
19 vagina, she also gets to find out what an adult man's penis
20 feels like through his underwear while laying in her parents'
21 bed. He chose to do two different acts. That's why you have
22 two different crimes.

23 The different things that she has said, that Brianna
24 talks about, she talks about these feelings that she has and
25 things that she experienced. And that's what helps you know

1 that Brianna Jackson is telling you the truth, is because only
2 if she experienced these things would she be able to relate
3 these types of details.

4 If someone told her what to say or someone told her
5 what to make up, she would not be able to relate sensory
6 details, details that tell you what actually happened to her.

7 And one of those things is she talks about her location
8 on the bed. She is able to talk, in that forensic interview
9 and when she was here in court, about first, she's got her head
10 facing the other way where she's on her stomach and not on the
11 pillows, and then she turns and puts her head on the pillows
12 because she's describing this incident and what went on in the
13 bedroom. And when she's replaying it, she's able to go through
14 this is how I started. We were talking, everything was fine.
15 And now I turn around on the bed.

16 Then she's able to talk about when he touched her
17 vagina, she says he wiggled his finger there. Now, even in
18 Mr. Nedwick's closing he said, oh, she might have gotten this
19 sexual talk from YouTube or boys in the house or teenagers,
20 whatever.

21 Talking about wiggling his finger in her vagina. An
22 11-year-old would not know that happens. And she's able to
23 describe it. And actually what she says first to Christi
24 Cornett is, I'm not sure how to describe this. Because it's so
25 unfamiliar. It's something that a little girl doesn't even

1 know is going to happen or should happen to them. But she's
2 able to describe that very well.

3 Then she says it's wiggling on the skin. She talks
4 about on the skin of her vagina. It's wiggling on the skin.
5 Then she says -- in court she describes it even better. She
6 says it was two fingers. I said, How do you know it was two
7 fingers. She said, Well, because it was wide. Well, an
8 adult's fingers on a child's vagina are going to always feel
9 wide because they shouldn't be there.

10 But that's in her mind how she describes it, is it's
11 two fingers. Because she just knows it felt really -- like
12 something really wide on her body when it was wiggling in
13 between the skin or between the skin.

14 She describes it going back and forth on her vagina.
15 How would she know that? How would she know that's something
16 that a person would do unless she experienced it and she felt
17 it? And she demonstrates when she's talking about it, both
18 here and the forensic interview.

19 She talks about it being in between the skin in her
20 vagina. When she's asked is it on the inside or the outside,
21 she talks about between the skin. 11-year-old girls don't have
22 sometimes body knowledge whatsoever. Sometimes they do. It
23 just depends. But she's able to describe between the skin,
24 which would -- as we adults would know -- but between the skin
25 and the labia. She's able to describe that. As a little girl,

1 sitting in a forensic interview, talking to a stranger, it was
2 between the skin.

3 That's not something she could make up. It's not
4 something an adult could tell her to keep straight because she
5 wouldn't know that even happens, much less know -- go in and
6 relay that to someone, to a stranger, talking about between the
7 skin.

8 So between the skin and her labia, he is rubbing her
9 vagina, wiggling his fingers. She knows that because she
10 experienced it. It felt weird. That's a kid way of describing
11 that it shouldn't be happening to her. And he is touching her
12 vagina. And if she's going to be making it up and saying these
13 horrible things he's doing to her, she's going to say, oh, my
14 God, it hurt so bad. It hurt. It hurt. I was getting hurt.

15 That's not what she's saying because he's not trying to
16 hurt her. But she says it felt weird because that's how it
17 felt to her. If her mom is telling her to say make it up or
18 she's making it up, it's going to be, it hurt -- it hurt, and
19 that those fingers went really far inside of you and this and
20 that. No. She's telling you what happened to her. It's
21 between the skin, and it was wiggling and it felt weird.
22 Because that's what she experienced.

23 She says she didn't hear anything and there was
24 silence. That's one of those sensory details. And she says
25 silence, but we know there were other people in the house. But

1 because she's experiencing something traumatic that shouldn't
2 be happening to her, she probably heard nothing else in the
3 world. Just what's going on. And thinking, What do I do.

4 Now, she talks about him grabbing her hand then after
5 she has moved, and she indicates in the forensic interview and
6 she indicated here that he grabbed her hand. And she's
7 physically able to do that on herself on how he grabbed her
8 hand. And I think she even says he squeezed her arms is how
9 she said it. Squeezed it and moved her hand. She's able to
10 physically describe that on her person because it happened to
11 her.

12 If someone had told her or she was just making it up, I
13 had to touch his penis, it would just be, yeah, I put my hand
14 on his penis. Not that he took her hand and he made her touch
15 it. But she's able to describe that because that's what she
16 experienced.

17 Now, when she talks about him touching her vagina, she
18 says he touched my butt and then he moved it slowly up and up.
19 And she demonstrates, both in court and the forensic interview,
20 with her hand. She moves it forward and she's like slowly up
21 and up and up.

22 So, again, she's describing it on -- exactly what went
23 on during this time, not just a, He touched my vagina. How did
24 he touch it? Once. That's what a kid says if they're making
25 something up. They can't provide any details. But she's able

1 to provide that it was slow, so he moved his hand slow.

2 Of course he did, because he's trying to not freak her
3 out and make her run away. He's testing the waters. He's
4 touching her. And he's moving his hand slow to see if she
5 moves, see if she reacts, see if she jumps up, see if she
6 screams, see what she does. He's slowly moving towards his
7 target goal. That's only something she would know if she
8 experienced it.

9 The tapping the legs for them to move apart. She
10 demonstrates that on the forensic interview. He wanted her to
11 spread her legs apart. So he did what you do to someone when
12 you're trying to get them to move. And he's like (indicating).
13 He tapped her leg. He tapped her leg to get her to spread them
14 apart. Move your legs.

15 She would only know that if she experienced it and she
16 remembered it. And when she's in that forensic interview, she
17 taps the table. She taps the table because he tapped her legs
18 to get her to move them apart so he could have easier access to
19 her vagina.

20 She experienced it. That's not a detail you can make
21 up. It's not a detail your parent -- Tiffany can tell her to
22 say. It happened to her.

23 Now, she describes it -- like I said, she had a really
24 hard time describing being on her front or back in the forensic
25 interview. I think it's because of how the questions were

1 asked, which you can look at that and see for yourself. But in
2 court, she talks about it was in back and it moved around to
3 the front and she was kind of -- and I was like kind of over
4 your hip, and she's like, yeah. I mean, like that's what she
5 meant.

6 He started in the back and moved over to the front.
7 Under her underwear and moves over to the front. She's able to
8 describe that now as a teenager who's a little older and able
9 to talk about her words and things like that. But in that
10 forensic interview, she had a really hard time. But she was
11 very clear it started in the back, moved to the front.

12 She said squeezed her arm. When he took his hand over
13 to touch his penis, squeezed her arm. She said when she was
14 laying on her side, I said, what could you see. And she said,
15 I could see the bathroom door. Because that's -- she knows the
16 way she was lying. Those are those things that are going on,
17 things she's able to see and what's going on during that.
18 That's something she's able to remember and relate as to what
19 happened after she rolled over and he's starting to grab her
20 arm.

21 Because remember, she said he grabbed her arm and then
22 rolled her over to see what -- she had to touch his penis.
23 Now, what she says about touching the penis is she said she had
24 to curl her hand on his penis. So remember she describes it.
25 She said his hand's on the back of her hand and curls her hand

1 over it. So she does that. His hand's there and moves her
2 hand on top of his penis. She demonstrates that.

3 Now, again, if we're making it up, just say oh, he made
4 me touch his penis. Not he put his hand on the outside of my
5 hand to guide my hand to do it, which is essentially what she
6 was telling you. She would only know that if it happened to
7 her, not if someone told her make it up, or she decided she was
8 going to make it up that I had to touch it.

9 And also, if someone's telling her to make it up, they
10 probably wouldn't say it was still under the underwear. They
11 would say he had his penis out and he was naked and had to
12 touch it. But that's not what happened, so that's not what she
13 described to you. She had to curl her hand around his penis
14 and that she touched with her palm. And she -- twice with the
15 Court -- she talks right where she had to touch it. Palm.
16 She's able to replay that as she's reliving it, a sensory
17 detail; it's her palm.

18 That his penis was straight up. So she's seeing it
19 through his underwear and it's inside his underwear and it's
20 straight up. Because I am she had probably seen her brothers
21 walk around in underwear before and not seen anything sticking
22 straight up before in the underwear. It had always been down.
23 And now as an erection, it's up and underneath the underwear
24 and that's what she sees. She describes that.

25 Again, if she were making it up, she probably wouldn't

1 even say he had underwear on. Again, but she says what she saw
2 was penis straight up. And when she talks about touching it,
3 she again says it's weird. Again, because it's not something
4 she should be experiencing. It's not something she should be
5 feeling or know what it feels like or touch or have any idea.

6 It's weird. That is an accurate description from a
7 little girl talking about having to do something like this. It
8 was weird. And him telling her, it's okay, it's okay. If her
9 mom had told her to make it up, it would be, You've got to do
10 this, be quiet, do this. Not, It's okay.

11 Because that's what someone says -- that's what a sex
12 offender says when they're trying to comfort a child while they
13 molest them and not want them to tell. It's okay. It's okay.
14 Don't be afraid. It's okay. But he said to her, It's okay,
15 and she remembers that in the forensic interview and she
16 remembers it when she comes and talks to you.

17 Because he doesn't want her to freak out. He doesn't
18 want her to run and scream. He's comforting her and coaxing
19 her into doing what he wants her to do. She remembers that.
20 If she's making it up, he'd be saying something mean or he'd be
21 saying something scary or telling her, Do this. It's okay.
22 It's okay. How does she know that a guy is violating her and
23 would be saying something to her like, It's okay? Because it's
24 not.

25 Then she went to the bathroom to check her body. How

1 would that be a part of a made up story? You're going to make
2 up a story and say that you went into the bathroom to check
3 your body because you didn't know if it would be changed or
4 hurt in some way after a man put his finger in your vagina.

5 You would only know that -- a child would only know
6 that if she experienced it. And she was very clear. I went
7 right to that bathroom, the main bathroom. She knows where she
8 went after it happened because that's how she got away. She
9 got away and went to the bathroom where she was safe to check
10 her vagina.

11 Her mom's not going to tell -- make it up and say you
12 went to check your private part afterwards. She's not going to
13 make it up in her mind, oh, I'm going to say I went and checked
14 and saw if anything was wrong with me. It's because that's
15 what she experienced. She experienced that it was weird and it
16 didn't feel right.

17 And in her mind, something should be wrong because that
18 shouldn't have felt that way. That shouldn't have been there.
19 You shouldn't touch me there. I better go check and make sure
20 everything's okay. So she did.

21 Those things happened to her, which caused her to go
22 and look in the bathroom and make sure her body is okay because
23 it was weird and that shouldn't have happened. It's because
24 she experienced it. Those things happened to her. She is only
25 able to tell those things because they happened to her. Not

1 because someone told her to say them or not because she's
2 making it up, because that's an 11-year-old's mind working
3 through a horrible thing happening to a child.

4 And she comes in here and does her best telling it to
5 you. She does her best telling it in her forensic interview.
6 And she probably, when she told her dad, it was just a whole
7 bunch of word vomit coming out about everything that he had
8 done with her and all the locations. And dad did his best to
9 piece it together. But when he pieced it together, every time
10 he has, it was touching a vagina and touching a penis. Every
11 time. Because those are the things that happened to his baby
12 girl.

13 Ladies and gentlemen, we've talked a lot about
14 credibility. And the credibility of the witnesses is
15 completely up to you. And I submit to you that the witnesses
16 that came in here did their best to tell you what had gone on.

17 I know Jeffrey Jackson, there's a lot of discussion
18 about whether or not this and that happened. But remember
19 again, he is trying to remember and relate something horrible
20 happening to his daughter. And not coming in here -- he has no
21 motive against Dallas Norton. He told you he met the guy like
22 once.

23 He's been married to someone for years. He and Tiffany
24 aren't getting back together and he's not getting custody of
25 his kids. He's got no motive to do anything, to come in here

1 -- except to protect his daughter. And same with Tiffany
2 Norton.

3 While she might certainly have her faults as a parent,
4 one of them is not disbelieving her daughter or not protecting
5 her daughter. Because the minute she talked to Bailey
6 Ferguson, she called Arizona and said, Hey, we just need to
7 check with Brianna. So she acted on that.

8 As soon as she got that information, she acted on it
9 and called out there, had them check. And then as soon as she
10 did, they cooperated with the police, cooperated with the
11 investigation, and has never had this defendant around her
12 daughter again.

13 So she's protecting her daughter when she comes in
14 here. She's protecting her. She wasn't going to get back
15 together with him. There wasn't bad blood. You certainly did
16 not hear any testimony about bad blood at the time this came
17 out between her and the defendant -- between Tiffany Norton and
18 the defendant.

19 They were talking about divorce. She said she had
20 loaned him money, he fixed her car, something with the
21 lawnmower. They were getting along. Why? Because they both
22 already moved on. They both already had other relationships
23 going on at that time. There was no bad blood.

24 So she came in here, and you can assess her
25 credibility. She didn't come in here and say, Dallas Norton

1 molested my child. We didn't ask her that. Why didn't we ask
2 her that? Because she wasn't there. The only person that can
3 say Dallas Norton molested Brianna Jackson is Brianna Jackson.
4 And she told you that. She's been saying it since 2019, and
5 she's still saying it today.

6 Ladies and gentlemen, the burden of proof is beyond a
7 reasonable doubt. You heard us say that over and over again.
8 And then there was the whole discussion in jury selection about
9 what that means. And if you noticed -- you went through the
10 packet with the Judge -- didn't say anywhere what beyond a
11 reasonable doubt is. That's up to you. What's reasonable to
12 you.

13 And I submit to you it is not 100 percent, remember?
14 But it's high. And it's beyond a reasonable doubt. Is it
15 reasonable in any way, shape, or form that Brianna Jackson is
16 going to make these things up and have these details and be
17 able to tell you what she felt and experienced and went through
18 unless it happened to her?

19 I submit to you it's beyond a reasonable doubt that
20 it's been proven what happened to Brianna Jackson. And you get
21 to say what is reasonable. And each one of those elements have
22 to be proven to you. We talked about the elements and all
23 those being proven.

24 This defendant committed this crime. He committed both
25 at the same time. He had a choice to stop committing two

1 crimes against her after he did the one, but he went ahead and
2 did another.

3 These crimes were a choice. It's a choice he made. He
4 made a choice to be stepdad or child molester, and he crossed
5 that line. She was lying in the bed with him, doing something
6 she liked to do, which was cuddle, and he took advantage of
7 that. He took advantage of a little girl's trust and a little
8 girl just wanting to have a dad in her life that lived close
9 by.

10 Choices. And it's a choice he made. Brianna Jackson,
11 she didn't make that choice. She didn't make that choice at
12 all. So he is responsible for his choices.

13 So I submit to you this defendant is guilty beyond a
14 reasonable doubt of both counts in that bed, in that home with
15 Brianna Jackson, when he took that from her. He took -- he
16 took her innocence from her.

17 She shouldn't be in here talking about these things to
18 you people. She shouldn't be at the Mary Abbott House. She
19 shouldn't be at Bethesda being counseled. Choices he made.
20 And he's responsible.

21 So after you find this defendant guilty and you check
22 that box, then you have to assess punishment. And we told you
23 in the beginning punishment is harsh for these crimes. And
24 shouldn't it be, quite frankly. You molest a child, that is
25 not just a drop in a bucket. It is a ripple effect. And it's

1 a line that you chose to cross, knowing what it could do.

2 You're given a jury instruction about punishment. And
3 you're probably thinking when you read through it with the
4 Judge, That's weird. This is a weird instruction. Because it
5 is. The law's a little weird sometimes.

6 Instruction No. 23 talks to you about what the range of
7 punishment is, and there's two options. And the first one
8 says, if you have a reasonable doubt of his guilt, then you
9 find him not guilty. But if you think -- if you find the
10 defendant guilty beyond a reasonable doubt and under 16, then
11 it's 3 to 20, okay?

12 But then the next paragraph says, If you find the
13 defendant guilty and find that the State proved beyond a
14 reasonable doubt that Brianna was 12 years old or younger at
15 the time of the crime, then it is not less than 25.

16 So you're given two options, one of which doesn't
17 apply. So it's kind of strange that you're given that.
18 Because Brianna Jackson, at the time of her forensic interview,
19 is 11. Now, she comes in here now and she's 14. But at the
20 time of her forensic interview, it was 11. So we know the
21 crime occurred before the forensic interview. So she was under
22 the age of 12.

23 So you've not been given any evidence that she was over
24 12, which would bump you into that 3 to 20 age -- 3 to 20 range
25 of punishment. Beyond a reasonable doubt she is under -- he's

1 guilty of it, and she's under 12. So the sentencing option
2 available to you is not less than 25. That's where you start.
3 That is what the law tells you.

4 You may disagree with that, but that's what the law
5 says: Not less than 25. You may disagree, that it's too
6 harsh. You may think it's too easy, it's too lenient.
7 You get to disagree, but you still have to follow it. And each
8 of you took an oath that you would follow the law.

9 So if you find this defendant guilty -- because it's
10 separate; guilt is separate from punishment, because obviously,
11 once you find the defendant guilty, you have a second job. If
12 you find the defendant not guilty, you don't have a second job.
13 So that's why they're separate.

14 So if you find the defendant guilty on both crimes, you
15 then have to assess punishment. That is your job. And it's
16 not less than 25 years because she's under 12. So then you
17 think, what do we do with that.

18 Well, there's things you should take into consideration
19 when you're determining what is the appropriate punishment for
20 a man who does this to a child. And there are some things you
21 should consider.

22 First of all, you can consider her age. This range
23 that we have charged -- and we have a date range charged. And
24 the reason it's a date range, it's the entire time that they
25 lived in that home together is the range that we have charged.

1 Because we know that's the time they were in this house.
2 Because Brianna Jackson is 11 years old, and we're trying to
3 ask her what day did something happen. A child can't tell you
4 that.

5 Defense argues that it was December of '18 is what
6 she's saying. No one ever said 2018. If she said November or
7 December to her dad, it could have been the Christmas before.
8 She just knows it was before they were married. They got
9 married in June of 2018. She would have been 10 years old
10 before that, 9 and 10 years old. And then she has to relay it
11 when she's 11, so that's something you should take into
12 consideration, and again when she's 14.

13 Take her age into consideration. What does a person
14 deserve? What kind of punishment does someone deserve that
15 does this to a girl that little? That's something you can take
16 into consideration.

17 You also can take into consideration the relationship,
18 that he took advantage of a relationship. You heard that she
19 called him dad. A man she called dad wiggled his finger
20 between the skin of her vagina. You can take that into
21 consideration.

22 She cared about him. She liked him. She liked to
23 cuddle with him. Take that into consideration. He destroyed
24 that relationship and destroyed -- took advantage of that
25 trust. And it wasn't enough. He continued to keep trying to

1 do it later. But take that into consideration.

2 You can also take into consideration this happened in
3 her own home, a place where she should be safe, a place where
4 you shouldn't have to worry about people doing things to you
5 and perpetrating crimes upon you and making you a victim in
6 your own home. You should be safe. You should be able to feel
7 safe there always.

8 You should be able to go in to lay on your mom's bed
9 and not worry about a man molesting you. Ever. But that's
10 what he did, and that's what you get to take into
11 consideration.

12 You get to take into consideration that it was the
13 trust that he took advantage of. She felt comfortable. She
14 was wanting to cuddle with him. And he took advantage of that
15 instead of just saying this little girl needs a man in her life
16 because her dad doesn't live very close, I'm going to be that
17 man for her. Instead, he decided to sexually abuse her, to
18 touch a child's vagina and make her touch his penis. You can
19 consider that.

20 You also can consider that he just kept trying. He
21 wasn't done. That first time wasn't enough. You can take that
22 into consideration when you determine what punishment is
23 appropriate for this man when you're thinking about that.

24 You can also take into consideration that she wasn't
25 able to tell. Now, in the forensic interview she talks about

1 being scared. But she really can't articulate why she's
2 scared. She's not saying she's scared of him. She's saying
3 she's scared of what would happen if she tells. If she tells,
4 what might happen. That's what she's scared of. And that's
5 what she says in the forensic interview.

6 You can take into consideration she lived on that fear.
7 She lived with this secret. And who knows how long she would
8 have lived with this secret if her dad hadn't asked. If --
9 thank the lord Bailey Ferguson had that conversation with
10 Tiffany Norton, because it started the ball rolling. She was
11 able to finally get that off her chest. You could take that
12 into consideration when you determine what amount of years is
13 appropriate, because punishment is warranted.

14 You have to be punished for doing this to a child,
15 because you know what he did. And one of the things that's the
16 most important thing to take into consideration when
17 determining what is appropriate, he took Brianna Jackson's
18 first sexual experience from her.

19 That will always be in her mind, always, as her first
20 sexual experience, is with a man who was married to her mom in
21 her own home when she was 9 or 10 years old.

22 When she gets in a relationship when she's older,
23 she'll have to tell them, this is my first sexual experience.
24 That's something that you, as an adult or as -- whatever age
25 you decide, you get to do. You get to decide when is your

1 first sexual experience. But this man took that from her and
2 she can never get that back. Never. He made a choice. And he
3 took it from her. And it is always gone. Always.

4 You get to consider that, on how many years is
5 appropriate. And I submit to you, you start at 25 and go on
6 up, because she cannot get that back. She won't have that back
7 in 25 years. At all. He took it. Today's his day of
8 reckoning.

9 Justice is not always easy, ladies and gentlemen, but
10 it is just. And now it's your time to tell him what he did to
11 Brianna Jackson is not okay. He is guilty beyond a reasonable
12 doubt and he should be punished. Thank you.

13 THE COURT: All right. Couple of things. In a
14 minute here, I'm going to excuse our alternates and our jurors
15 and have them deliberate and I will have them sequestered.

16 I am now going to ask that everyone who is not an
17 attorney or a juror in this matter please exit the courtroom
18 and please don't use these bathrooms, and please vacate this
19 whole hallway, so that when the jurors leave, they can use the
20 bathrooms and they're not having to interact with anybody.
21 Thank you.

22 Jami, if you'll please come forward so I can give you
23 the oath of the bailiff.

24 (The bailiff was sworn.)

25 THE COURT: Thank you.

1 All right. Mr. Grogan and Mr. Cromack, you've sat here
2 patiently all week, listening to this evidence. And we have
3 you in case there's a problem where one of the 12 cannot
4 continue on.

5 We're now at the time to deliberate. Only 12 get to
6 deliberate. So I'm going to ask Jami to collect your badges
7 and your notes and jury instructions, and we will excuse you.
8 And thank you so much for your service as an alternate. And
9 you may exit.

10 The other jurors, please take copies of your
11 instructions, your notes, and your belongings. You'll follow
12 Jami to the jury room to begin your deliberations.

13 I think she's already told you this, but I'm
14 sequestering you. That means that not only physically will you
15 not be able to leave from deliberating, but you're also removed
16 from electronic devices so that you only have the evidence you
17 have.

18 Do you have the verdict forms, Jami?

19 THE BAILIFF: I do.

20 THE COURT: Okay. You may exit now. Thank you.

21 (The jurors were excused to begin their deliberations at
22 11:49 a.m. Court stood in recess until 2:00 p.m.,
23 after which the following transpired in open court,
24 outside the hearing of the jury:)

25 THE COURT: I've been told the jury has reached a

1 verdict. We're going to bring them in here and we will read
2 their verdict in open court.

After I've read the verdict, there will be people in
this room who are upset, people who may be happy, I don't know.

5 You have -- those of you that have been here throughout
6 this trial have been very respectful throughout this process,
7 and I'd ask that as the verdict is returned, that you would
8 remember that this is a courtroom. This is not the place to
9 raise your voice or clap or boo or whatever you would do at a
10 sporting event. I would ask you to please remember to be
11 professional and keep your emotions in check as best you can.

12 I'm going to be speaking to the jury, as I customarily
13 do, after the verdict is read. So I'm going to ask that the
14 parties and everybody here exit rather quickly so that I can
15 talk to them and they can get home.

I'm going to assume that we have family members of the defendant on one side and perhaps family members from the victim's family on the other. I would ask that you just be cordial and maybe exit. The sheriffs maybe can help you exit so we don't have any problems.

I'll invite the attorneys in after I've talked to the
jurors, if you'd like to stick around and get any feedback from
them afterwards.

All right. We're ready, Jami.

25 (Jury enters.)

1 THE COURT: You may be seated.

2 Ladies and gentlemen of the jury, I've been told you've
3 arrived at a verdict. If so, would the foreman please hand the
4 verdict forms to the bailiff.

5 (Foreperson complies.)

6 THE COURT: All right. I'm going to read the verdict
7 forms. Verdict for Count I, Lewd act to a child under 16. We
8 the jury, empaneled and sworn in the above entitled cause, do
9 upon our oaths, find as follows: Defendant is guilty, and fix
10 punishment at 25 years.

11 Count II, Lewd act to a child under 16. We the jury,
12 empaneled and sworn in the above entitled cause, do upon our
13 oaths, find as follows: Defendant is guilty and fix punishment
14 at 25 years.

15 This is signed by Chris Jilge, the foreman.

16 Jurors, if you would please all raise your right hand
17 if this is each of your verdicts.

18 (Jurors raise hands.)

19 THE COURT: I'm showing that all 12 jurors have
20 raised their right hands. Thank you.

21 I am going to set formal sentencing in this matter for
22 August 31st at 2:00 p.m.

23 Mr. Nedwick, do you have any questions or statements
24 for the Court?

25 MR. NEDWICK: No, your Honor.

THE COURT: Ms. Austin?

2 MS. AUSTIN: No, your Honor.

3 THE COURT: At this time, I'm going to ask that the
4 defendant be remanded into custody.

Jurors, you have now completed your duties in this case
and you're discharged. The question may arise whether you're
free to discuss this case with anyone. This is entirely your
decision. If any person tries to discuss this case above --
over your objection or becomes critical of your service, please
let me know immediately.

11 I want to thank you personally for being on this case.
12 I know if you had to choose what type of a trial you would be a
13 juror for, you probably wouldn't choose this one. It's
14 unpleasant. And I can assume that there's a lot of things you
15 would have rather done.

16 But I do appreciate that you have followed the law,
17 that you have been diligent in coming every day, and that
18 you've treated this duty with the utmost respect. And I
19 appreciate that.

At this time, this trial will be concluded. I'm going to excuse the attorneys and the guests in the courtroom. And I'm going to ask the jurors just to stick around for a couple of minutes so I can get some feedback from you. Thank you.

(End of proceedings)

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY
2 STATE OF OKLAHOMA

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4 STATE OF OKLAHOMA,)
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9 DALLAS CHRISTOPHER NORTON,)
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1 CERTIFICATE OF THE COURT REPORTER

2 I, Angela Thagard, Certified Shorthand Reporter and
3 Official Court Reporter for Cleveland County, do hereby certify
4 that the foregoing transcript in the above-styled case is a
5 true, correct, and complete transcript of my shorthand notes of
6 the proceedings in said cause.

7 I further certify that I am neither related to nor
8 attorney for any interested party nor otherwise interested in
9 the event of said action.

10 Dated this 2nd day of December, 2022.

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1 Angela Kay Thagard
2 State of Oklahoma
3 Certified Shorthand Reporter
4 CSR # 1711 / 12/31/2022
5 My Certificate Expires 12/31/2022

