

IN THE DISTRICT COURT OF CLEVELAND COUNTY
 STATE OF OKLAHOMA }
 CLEVELAND COUNTY } S.S.

FILED

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STATE OF OKLAHOMA,) In the office of the
 PLAINTIFF,) Court Clerk MARILYN WILLIAMS
 V.)
) CASE NO. CF-2019-1273
 DALLAS CHRISTOPHER NORTON,)
 DEFENDANT.)

TRANSCRIPT OF PRELIMINARY HEARING
 HAD ON THE 15TH DAY OF JANUARY, 2020,
 BEFORE THE HONORABLE
 LORI A. PUCKETT, SPECIAL DISTRICT JUDGE.

COPY

REPORTED BY: Tanya Burcham, CSR, RPR, CRR
 Official Court Reporter
 200 South Peters
 Norman, OK 73069

APPEARANCES

FOR THE STATE:

Jennifer Austin
Assistant District Attorney
201 South Jones
Suite 300
Norman, OK 73069

FOR THE DEFENDANT:

Keith Nedwick
Attorney at Law
130 East Eufaula
Norman, OK 73069

INDEXPAGE:BRIONNA JACKSON:

Direct Examination by Ms. Austin.....	5
Cross-Examination by Mr. Nedwick.....	38
Redirect Examination by Ms. Austin.....	63

TIFFANY NORTON:

Direct Examination by Ms. Austin.....	64
Cross-Examination by Mr. Nedwick.....	66
Redirect Examination by Ms. Austin.....	69

Certificate.....	76
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PROCEEDINGS

1
2 THE COURT: We are here in the matter of the State
3 of Oklahoma versus Dallas Norton, CF-19-1273. Defendant is
4 here?

5 MR. NEDWICK: Yes, Your Honor.

6 THE COURT: Okay. Is present in person with Keith
7 Nedwick. State of Oklahoma appears through Jennifer Austin.
8 This matter comes on for preliminary hearing.

9 Parties are ready to proceed?

10 MS. AUSTIN: Yes, Your Honor.

11 MR. NEDWICK: Defendant is, Your Honor.

12 THE COURT: You may call your first witness. And
13 you may adjust the podium --

14 MS. AUSTIN: Okay.

15 THE COURT: -- wherever you would like it to be.

16 Good morning.

17 THE WITNESS: Good morning.

18 THE COURT: I'm Judge Puckett. This is my court
19 reporter, Tanya. And she is going to take down -- she's going
20 to type everything that we say in the courtroom. So if you are
21 not uncomfortable, can I get you to take your mask off so it
22 will make it easier for her to hear? We'll keep everybody
23 sufficiently distanced from you, okay?

24 THE WITNESS: Okay.

25 THE COURT: Can you tell us your name, please?

1 THE WITNESS: Brionna Jackson.

2 THE COURT: Okay, Brionna, pull the microphone back
3 just a little bit.

4 THE WITNESS: Back?

5 THE COURT: Pull it towards you, sorry. Pull it
6 towards you and you might need to lift it up just a little bit
7 so it's aimed in the right direction. Okay. Would you raise
8 your right hand?

9 (Witness sworn.)

10 THE COURT: Okay. Ms. Austin.

11 MS. AUSTIN: Thank you.

12 BRIONNA JACKSON,

13 Having been first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. AUSTIN:

16 Q. Now you said your name is Brionna. Brionna what?

17 A. Brionna Jackson.

18 Q. Okay. And how do you spell your first name?

19 A. B-R-I-O-N-N-A.

20 Q. And Brionna, when is your birthday?

21 A. October 16th, 2007.

22 Q. And so how old are you right now?

23 A. Thirteen.

24 Q. What grade are you in?

25 A. Seventh.

1 Q. And so you are at what school?

2 A. Noble.

3 Q. And do you play any sports or anything at Noble
4 schools?

5 A. Basketball and softball.

6 Q. And it's basketball season right now; is that right?

7 A. Yes.

8 Q. Okay. Which do you like better, basketball or
9 softball?

10 A. Basketball.

11 Q. Okay. Now, where did you -- when you were in sixth
12 grade, you would have been 12; is that right?

13 A. Yes.

14 Q. Okay. And where did you go to sixth grade?

15 A. I went to Norman.

16 Q. Okay. And for --

17 A. Oh, wait. No. I went to Noble.

18 Q. Noble?

19 A. Yeah.

20 Q. Okay. And for -- when you were in fifth grade, were
21 you 11 then?

22 A. Yes.

23 Q. Okay. And where did you go to school?

24 A. Norman.

25 Q. And what school?

1 A. Um, Eisenhower.

2 Q. Okay. And then in fourth grade, you would have been
3 ten. Where did you go to school then?

4 A. Eisenhower.

5 Q. And what about third grade?

6 A. Eisenhower.

7 Q. Okay. And who do you live with right now?

8 A. My mom's boyfriend, my mom, and my brothers.

9 Q. Okay. And what's your mom's name?

10 A. Tiffany Norton.

11 Q. And what is your mom's boyfriend's name?

12 A. Mario Morris.

13 Q. Mario, I'm sorry, what was the last name?

14 A. Morris.

15 Q. Morris. Do you know how to spell that?

16 A. M-O-R-R-I-S.

17 Q. Okay. And then you said your "brothers." What are
18 your brothers' names and how old are they?

19 A. Conner Jackson and he's 15. And Dillon Jackson and
20 he's 19.

21 Q. Okay. I want to talk to you about a person by the
22 name of Dallas Norton. Do you know that person?

23 A. Yes.

24 Q. How do you know him?

25 A. He's my mom's ex-husband.

1 Q. Okay. And do you see him in the courtroom today?

2 A. Yes.

3 Q. Can you tell the Judge where he's seated and what
4 he's wearing?

5 A. He's seated right there and he's wearing a vest and
6 a blue shirt.

7 MS. AUSTIN: May the record reflect identification
8 of the defendant, Dallas Norton?

9 THE COURT: The record will reflect identification.

10 MS. AUSTIN: Thank you.

11 Q. (By Ms. Austin) And you said that he's your mom's
12 ex-husband. What ages were you when they were married? If you
13 can just kind of estimate or guess.

14 A. Between ten and eleven and a half.

15 Q. And when they were married, did you ever live with
16 the defendant?

17 A. Yes.

18 Q. Okay. When you lived with the defendant, where --
19 where did you live? Like a house? I mean --

20 A. A house.

21 Q. Okay. Did you live in more than one house with him?

22 A. No, just one.

23 Q. Okay. And did you know -- were you still going to
24 Eisenhower when you lived in a house with him?

25 A. Yes.

1 Q. Did you go to Eisenhower before you lived in a house
2 with him?

3 A. Yes.

4 Q. Okay. And do you know kind of what grades you were
5 in?

6 A. Fourth and fifth.

7 Q. Now, was it the complete grades of both of those or
8 parts of them or do you know?

9 A. Both complete.

10 Q. Okay. And so we talked earlier about fourth and
11 fifth grade that you would have been ten and eleven during that
12 time. Does that sound right?

13 A. Yes.

14 Q. Okay. And by the time you moved out of that
15 house -- you don't still live in that house, do you?

16 A. No.

17 Q. By the time you moved out of the house, were your
18 mom and the defendant still either in a relationship or
19 divorced or do you know?

20 A. I don't know.

21 Q. Okay. When you moved to another place, did you
22 move -- they were still together?

23 A. No.

24 Q. Okay. When you lived in this house with the
25 defendant, did anyone else live there besides the people you've

1 talked about already and the defendant?

2 A. Yes.

3 Q. Okay. Who else lived there?

4 A. Um, his son and his two daughters.

5 Q. Okay. And what's -- what's his son's name?

6 A. Austin Norton.

7 Q. And older than you? Younger than you?

8 A. A year older than me.

9 Q. Okay. And then "daughters," what were their names?

10 A. Riley Norton and Tara Norton.

11 Q. Riley and Tara. Older than you or younger than you?

12 A. Tara was older; Riley was younger.

13 Q. And this house that you lived in, can you tell us
14 how many bedrooms was it?

15 A. Three.

16 Q. And what were the arrangements? Who had the
17 bedrooms?

18 A. Um, me and his two daughters, my brothers and his
19 son, and Dallas and my mom.

20 Q. So all the girls shared a room and all the boys
21 shared a room?

22 A. Yes.

23 Q. Okay. Did his kids live there all the time or did
24 they have visitation with their mother?

25 A. Visitation with their mother.

1 Q. Okay. And were they gone a lot or just a little
2 bit?

3 A. Just a little bit.

4 Q. And what about you, when you were living there, did
5 you have any visitation with your dad?

6 A. Yes.

7 Q. What was the visitation like with your dad? How
8 often?

9 A. I went there on -- during the summer and during
10 Christmas.

11 Q. Okay. Where did your dad live?

12 A. Arizona.

13 Q. And when you went during the summer, would it be the
14 whole summer or just part of it?

15 A. The whole summer.

16 Q. And then over Christmas break?

17 A. Yes.

18 Q. Okay. So during this time when your mom is -- well,
19 the defendant lives with you and your family, how do you like
20 him -- the defendant? Do you get along with him?

21 A. Uh-huh.

22 Q. Okay. And rules, are there -- that he has in place
23 or anything like that?

24 A. Um, I don't understand you.

25 Q. Did he -- did he give you rules or were your rules

1 mainly from your mom?

2 A. Rules were mainly from my mom.

3 Q. But if the defendant told you to do something, did
4 you have to do it?

5 A. Yes.

6 Q. Like, if you had to clean your room or had chores or
7 things like that.

8 A. Yes.

9 Q. Okay. And how did you get to school during this
10 time? Was it -- did you walk or ride the bus?

11 A. I road the bus or my mom or him took me.

12 Q. So you weren't close enough to school that you could
13 walk?

14 A. No.

15 Q. Did there come a time that something happened with
16 the defendant that made you uncomfortable?

17 A. Yes.

18 Q. Okay. And during this time we've talked about, this
19 time, fourth and fifth grade that you lived with the defendant
20 was -- when did something happen with him? Was it beginning,
21 middle, end, or can you describe?

22 A. The middle of fifth grade.

23 Q. Okay. So when you say "middle of fifth grade," are
24 you talking about like Christmas or before Christmas?

25 A. I think it was -- I think it was after Christmas.

1 Q. Okay. And are you sure on that or are you guessing?

2 A. I'm kind of guessing because I don't remember very
3 well.

4 Q. Okay. But do you know it was a timeframe that you
5 guys were all living together?

6 A. Yes.

7 Q. Okay. But it wasn't towards the beginning when you
8 first moved in?

9 A. No.

10 Q. And let me ask you this: When you moved into that
11 house, did you all move in there together or did you live there
12 first with your mom and then the defendant and his kids moved
13 in?

14 A. We all moved in there together.

15 Q. Okay. And so when you all moved in there together,
16 how were things at first?

17 A. They were going pretty good.

18 Q. Okay. Did there come a timeframe that he moved out
19 for awhile?

20 A. Um, I don't remember.

21 Q. And do you remember, when he and your mom broke up,
22 do you remember whether you stayed living in that house for a
23 while without him and his kids?

24 A. Whenever they broke up, we moved. We -- whenever I
25 came back from my dad's, we moved to a different house.

1 Q. Okay. So after the summer, after they broke up, you
2 moved to a different house?

3 A. Yes.

4 Q. Okay. But when you had gone, the beginning of that
5 summer, gone to your dad's, were they still together if you
6 remember?

7 A. Yes.

8 Q. Okay. And had it already happened prior to then?

9 A. Yes.

10 Q. Okay. And when something happened with this
11 defendant, did it happen one time or more than one time?

12 A. One time but he tried to do it some other times.

13 Q. Okay. And what room were you in when something
14 happened?

15 A. Um, him and my mom's room.

16 Q. Okay. So their bedroom?

17 A. Yes.

18 Q. And was it -- well, tell us how -- how did you get
19 to the bedroom? How did you get in there?

20 A. Um, I just went in there to like lay down with him
21 because that's what I usually did, and then he just -- I don't
22 know what happened.

23 Q. Okay. So went in there to lay down. Was it day or
24 night or do you remember?

25 A. It was nighttime.

1 Q. Okay. Where was everyone else in the house?

2 A. My mom was going to a concert and my brothers were
3 in the living room and Riley was in the living room and Tara
4 was in our bedroom.

5 Q. Was it uncommon for you to go in there and lay down
6 with him?

7 A. No.

8 Q. And did you feel comfortable going in there and
9 laying down with him?

10 A. Yes, ma'am.

11 Q. Okay. And what -- what was he doing when you got
12 into the room?

13 A. Um, he was just laying there.

14 Q. And where was he laying?

15 A. On the bed, I think.

16 Q. Okay. Was -- what was he doing?

17 A. He was just laying there watching TV.

18 Q. Okay. So the TV was on?

19 A. Yes.

20 Q. And so what did you do when you went in the room?

21 A. I just laid down and watched -- started watching TV
22 with him.

23 Q. And had you done that before?

24 A. Yes.

25 Q. Do you remember, were you under the covers or on top

1 of them or do you remember?

2 A. I was on top of them.

3 Q. And what about him?

4 A. I think he was on top of them.

5 Q. All right. And what happened that made you feel
6 uncomfortable?

7 A. He like started putting his hand on my thigh and
8 like he started moving it up.

9 Q. Do you remember what you were wearing?

10 A. I was wearing shorts and a shirt.

11 Q. Okay. Was it like pajamas or clothes you would wear
12 during the day?

13 A. Pajamas.

14 Q. And you say he put his hand on your thigh and
15 started moving it up?

16 A. Yes.

17 Q. "Moving it up," did he move his hand up?

18 A. Yes.

19 Q. Okay. And what part of his -- your body did he
20 touch first?

21 A. He touched my thigh and then he touched my butt and
22 then he started moving it.

23 Q. Okay. So I think I heard you say "touched my thigh,
24 then touched my butt, and then started moving it."

25 A. Yes. And then he started moving to my vagina and he

1 started moving his fingers and stuff.

2 Q. Okay. So he started moving it towards your vagina
3 and then started moving his fingers and stuff?

4 A. Yes.

5 Q. Okay. So let's talk first about your thigh. When
6 he touched your thigh, did he put his -- what did he touch it
7 with?

8 A. His hands.

9 Q. And did he put it there and leave it still or did it
10 move?

11 A. It was -- it left still.

12 Q. Okay. And then -- then did he -- you said moved it
13 to your butt?

14 A. Yes.

15 Q. Okay. And when he moved it to your butt, it was
16 on -- you said you had shorts on. Was it on top of your
17 shorts?

18 A. It was under my shorts.

19 Q. Under your shorts. Did you have on underwear?

20 A. Yes.

21 Q. Was it on top of your underwear?

22 A. Um, it was on -- under my underwear.

23 Q. Under your underwear? Okay. And when he put your
24 hands on your butt, was it still or moving?

25 A. It was still.

1 Q. Okay. And then you said that he moved it towards
2 your vagina?

3 A. Yes.

4 Q. How were you laying?

5 A. I was laying on my stomach.

6 Q. And were you facing the TV or away from the TV or
7 how was it?

8 A. I was facing away from the TV.

9 Q. Were you sleeping or trying to go to sleep or why
10 were you --

11 A. I was about to fall asleep.

12 Q. Was it light in the room?

13 A. It was dark.

14 Q. Was he saying anything to you while this was
15 happening?

16 A. He said, "It will be okay."

17 Q. It will be okay?

18 A. Yes.

19 Q. How was his body? How was he laying?

20 A. He was laying on his back.

21 Q. And you said you were laying on your stomach. Was
22 your head facing -- well, which way was your head facing?
23 Towards him, away from him?

24 A. Away from him.

25 Q. So what could you see?

1 A. I could see the bathroom and my mom's nightstand.

2 MR. NEDWICK: I didn't hear that. I'm sorry.

3 Q. (By Ms. Austin) Bathroom and your mom's nightstand?

4 A. Yes.

5 Q. And was there a light in the bathroom?

6 A. Yes.

7 Q. Was it on or off?

8 A. It was on.

9 Q. On. And you said that his hand moved around and
10 started touching your vagina?

11 A. Yes.

12 Q. Were you still laying on your stomach?

13 A. Um, after he did it, I started to lay on my side to
14 get away from him.

15 Q. Okay. So before he touched your vagina or after?

16 A. After.

17 Q. Okay. So when he was touching your vagina, were you
18 still laying on your stomach?

19 A. Yes. But then like a few -- like a minute after, I
20 went to my side because I felt really uncomfortable.

21 Q. Okay. And so what did his hand do when it touched
22 your vagina?

23 A. It was just two fingers started moving.

24 Q. And how were they moving?

25 A. Side to side.

1 Q. And what part of your body were they touching?

2 A. My vagina.

3 Q. Okay. And how did that feel?

4 A. Really uncomfortable and weird.

5 Q. Okay. Do you know, did -- did his fingers stay on
6 the outside of your vagina?

7 A. No.

8 Q. Did they go inside your vagina?

9 A. Yes.

10 Q. And when you say they were moving, did they continue
11 to move -- his fingers move when they were inside your vagina?

12 A. Yes.

13 Q. Okay. And how was he moving them when they were
14 inside your vagina?

15 A. Side to side.

16 Q. When you say "side to side," can you -- what do you
17 mean by that?

18 A. Just like -- just like that (indicating).

19 Q. And you're indicating with your hand two fingers
20 moving kind of up and down?

21 A. Yes.

22 Q. And how long did that go on for?

23 A. Like a minute.

24 Q. A minute?

25 A. Yes.

1 Q. And did he say anything while that was happening?

2 A. He said, "It will be okay."

3 Q. And you said that you -- you moved your body some.

4 How did you move?

5 A. I just start -- I just rolled over and started
6 laying on my side.

7 Q. And so when you rolled over to your side, what part
8 of your body was facing him?

9 A. My back.

10 Q. Did it stop him from touching you?

11 A. Yes.

12 Q. And did he try to do anything else or say anything
13 else at that point?

14 A. Um, then I rolled over on my back because I -- I
15 don't know why. And then he made me touch him.

16 Q. And you said you rolled over on your back. Still in
17 the bed --

18 A. Yes.

19 Q. -- at that point? Okay. And when you say him --
20 "He made you touch him," tell us what you mean by that.

21 A. He like grabbed my hand and then he made me touch
22 his penis.

23 Q. And was he wearing clothes?

24 A. He was wearing his underwear.

25 Q. And did his underwear ever come off?

1 A. No.

2 Q. Did any of your clothes ever come off?

3 A. No.

4 Q. And I'm going to go back for one second. When you
5 said that he was touching under your shorts and under your
6 underwear, how did he get under your shorts or your underwear?

7 A. He moved them. He moved the underwear up and the
8 shorts up.

9 Q. Okay. So from the leg or from the waistband,
10 like --

11 A. From the waistband, I believe.

12 Q. Like coming in from, like, the top or coming --

13 A. Oh, coming in from the bottom.

14 Q. From the bottom?

15 A. Yeah.

16 Q. Okay. So that's what you said, moved your shorts up
17 and moved your underwear how?

18 A. He moved them up.

19 Q. Okay. And -- okay. Were they long shorts or short
20 shorts or?

21 A. They were like down to my midthigh.

22 Q. Okay. Were they tight?

23 A. No.

24 Q. Okay. Now you said that he was wearing underwear.
25 Tell us what he did to make you touch his penis.

1 A. He grabbed my hand.

2 Q. Okay. And when he grabbed your hand, what did he do
3 with it?

4 A. He moved it to his penis and he just kept it still
5 there.

6 Q. Okay. And when he moved his hand -- or your hand,
7 what did he do with his hand?

8 A. He took it off.

9 Q. Okay. And so where was your hand then?

10 A. Still on his penis. I took it off after like a few
11 seconds.

12 Q. And what did you feel?

13 A. I felt it like being up while he was on his back.

14 Q. And you said that your hand was on there. Did you
15 have to move your hand?

16 A. No.

17 Q. Okay. Did he do anything with his hand to have your
18 hand be there?

19 A. I don't understand you.

20 Q. How was his hand in relationship to yours?

21 A. It was like on top of my hand, like on the back of
22 it.

23 Q. Can you show us what you mean by that?

24 A. It was like that (indicating).

25 Q. Okay. So your hand on the bottom, his hand on top

1 of yours?

2 A. Yes.

3 Q. Okay. And then your hand was where?

4 A. On -- on his -- like before?

5 Q. No. When his hand was on the back of yours,
6 where -- what was your hand touching?

7 A. His penis.

8 Q. And did he say anything to you when he did that?

9 A. He said, "It will be okay."

10 Q. Okay. Is that just kind of what he repeated the
11 entire time?

12 A. Yes.

13 Q. Did he say it more than one time?

14 A. He said it twice.

15 Q. And how long do you think your hand was on his
16 penis?

17 A. A few seconds. Then I grabbed it away.

18 Q. And then what happened?

19 A. Then I got off the bed and went to the bathroom and
20 checked on stuff. And then I went to my room and just went to
21 sleep.

22 Q. And when you got up to go to the bathroom, did he
23 say anything to you?

24 A. No.

25 Q. And you said you went to the bathroom to "check on

1 stuff," what do you mean by that?

2 A. Like to check if like anything was wrong with my
3 vagina or anything.

4 Q. Did it -- did you think something might be wrong
5 with your vagina?

6 A. Yeah. But nothing was.

7 Q. And why did you think that something might be wrong
8 with your vagina?

9 A. Because he put his fingers in me.

10 Q. Did it feel like something might be wrong with your
11 vagina when he touched it?

12 A. Um, kind of.

13 Q. I mean, you said earlier it was uncomfortable. Did
14 it hurt?

15 A. It didn't hurt. It just didn't feel right.

16 Q. Okay. And so when you went to the bathroom, which
17 bathroom did you go to?

18 A. The one by the boys' room and girls' room. It was
19 like -- there's one in the hallway by my room.

20 Q. Would that be considered like your bathroom?

21 A. Yeah.

22 Q. Okay. And like the bathroom that all the kids used?

23 A. Yes.

24 Q. So after you went to the bathroom, you went where?

25 A. I went to my room.

1 Q. Did he follow you or say anything to you or anything
2 like that?

3 A. No.

4 Q. Okay. Did you say anything to your mom when she got
5 home?

6 A. No.

7 Q. Okay. And why not?

8 A. Because I thought they were happy.

9 Q. Okay. And what do you mean by that, you thought
10 they were happy?

11 A. Like I thought they were like in a good relationship
12 because they were going to get like married soon and stuff
13 because he proposed to her.

14 Q. So while you were living together, they weren't
15 married the whole time they were living together?

16 A. No.

17 Q. Okay. And you thought they were happy. What -- why
18 would that keep you from telling your mom?

19 A. Because like -- it happened to her. So I didn't
20 want her to like -- like get stressed about it or anything.

21 Q. When he did this to you, was he mean to you when he
22 did it?

23 A. Huh-uh.

24 Q. He didn't say mean things or hurt you in any way --

25 A. No.

1 Q. -- when he did it? Okay. So you didn't say
2 anything to your mom that day when it happened?

3 A. No.

4 Q. Did you say anything to her during the time he was
5 living with you at all?

6 A. No. I didn't say anything to her at all about it.

7 Q. Okay. Now, after that happened, were there times
8 that other -- other things happened with the defendant?

9 A. Yes.

10 Q. What kind of things would happen?

11 A. Like he like unhooked my bra and he tried to touch
12 me. He put his face on my thighs.

13 MR. NEDWICK: Your Honor?

14 THE COURT: Yes, sir.

15 MR. NEDWICK: Object. He's charged with a single
16 count of lewd acts. And she's -- the State is clearly going
17 into other events that are uncharged, bad acts which would be
18 excluded by the rules of evidence. So we'd object to having
19 any testimony regarding uncharged bad acts.

20 THE COURT: Ms. Austin?

21 MS. AUSTIN: And Judge, that is correct. These are
22 not acts that are charged. However, they are all acts that are
23 enclosed within the law enforcement reports that they've been
24 provided. The bad acts he's referring to, I'm assuming, is to
25 404(b) stuff which would not be inadmissible at this juncture.

1 There is no jury present. And it is not outside the bounds of
2 what is allowed at preliminary hearing. As counsel is aware,
3 it is common for us to charge one or two counts solely for
4 negotiation purposes. And if when a preliminary hearing is
5 conducted, if there is additional counts that might be added
6 and there is additional information that is included within the
7 police report that they are aware of, more so than some cases
8 they actually are aware about this, but I do not believe in any
9 way, shape, or form this is inadmissible. And, in fact, they
10 are on notice.

11 THE COURT: So long as those -- the testimony
12 elicited is information that was included in the law
13 enforcement reports provided for the preliminary discovery
14 purposes and the defendant's been placed on notice of those
15 allegations, then I'll overrule the objection.

16 MS. AUSTIN: Thank you.

17 Q. (By Ms. Austin) Okay. Now, you said that -- I think
18 you said he "unhooked your bra and he tried to touch me"; is
19 that right?

20 A. Yes.

21 Q. Let's talk about the "unhooked your bra." Did this
22 happen before or after the incident in the bed?

23 A. I think it was after.

24 Q. Okay. Are you positive or do you -- do you think --
25 just remembering it, you think it's after?

1 A. Yes.

2 Q. Okay. What room in the house did that take place
3 in?

4 A. The living room whenever nobody was home after
5 picking me up after school.

6 Q. The living room when no one was home after picking
7 you up from school; is that right?

8 A. Yes.

9 Q. And what were you guys doing that led to him trying
10 to unhook bra?

11 A. We were wrestling like we just normally do.

12 Q. Was it common for you guys to play around and --

13 A. Yes.

14 Q. Okay. And when you were wrestling, you said that
15 you were in the living room. Were you on furniture or how was
16 it?

17 A. We were on the floor.

18 Q. Okay. And tell us what happened.

19 A. He -- we were just wrestling and then he like
20 started moving his hands to my back and then he unhooked my bra
21 from the back. And then after that, I hooked my bra back and
22 then we went to Walmart.

23 Q. When he unhooked your bra from the back, did he
24 attempt to touch you in any way?

25 A. He attempted to but I didn't let him.

1 Q. Okay. And what -- where did he attempt to touch
2 you?

3 A. My boobs.

4 Q. Okay. So did he attempt to touch them over your
5 shirt or under your shirt?

6 A. Under.

7 Q. And how did you stop him from doing that?

8 A. I got up off him because like I was putting him
9 down.

10 Q. And did he allow you to go -- to walk away or to get
11 up?

12 A. Yes.

13 Q. He didn't stop you in any way?

14 A. No.

15 Q. And then you said that his hand was under your
16 shirt. Was his hand touching another part of your body under
17 your shirt?

18 A. No.

19 Q. I mean -- and I guess -- that was a bad question. I
20 apologize. Was his hand under your shirt?

21 A. Yes.

22 Q. Okay. Was it -- you said "he attempted." Was he
23 trying to move it up or what was he doing?

24 A. Trying to move it up.

25 Q. And so was it like touching your stomach?

1 A. Like touching my sides.

2 Q. Your sides. Were both of his hands up your shirt?

3 A. Yes.

4 Q. So were they moving in some way?

5 A. They were just moving up, that's it.

6 Q. Moving up?

7 A. They weren't moving in any way.

8 Q. Just moving up?

9 A. Yes.

10 Q. Okay. And that's when you got up. And did you
11 leave the room or did you just leave the situation?

12 A. I just left the situation.

13 Q. Okay. And then you said you rehooked your bra?

14 A. Uh-huh.

15 Q. Did he say anything to you?

16 A. No.

17 Q. And then you guys went to Walmart?

18 A. Yes.

19 Q. Okay. And I think you said also that he attempted
20 to touch you other times?

21 A. Yes.

22 Q. And how was that?

23 MR. NEDWICK: Same objection, Your Honor.

24 THE COURT: Okay. All right. Objection is noted.

25 Same ruling.

1 THE WITNESS: What do you mean by that?

2 Q. (By Ms. Austin) You said, "he tried to touch me
3 other times."

4 A. Yes.

5 Q. What do you mean by that?

6 A. Like he was like -- he -- like while my mom was
7 cooking, like wouldn't be paying attention or anything and like
8 the other kids wouldn't be paying attention, he tried to touch
9 my vagina again.

10 Q. And you said "try to touch your vagina," what did he
11 do?

12 A. He like went to my thigh first like he did the first
13 time.

14 Q. And then what did you do?

15 A. What do you mean?

16 Q. How did it stop?

17 A. I just moved.

18 Q. Okay. And did that happen one time or more than one
19 time that he would try to touch you but you would move?

20 A. More than once.

21 Q. Okay. So based on you moving like that, was he ever
22 able to touch you again?

23 A. No.

24 Q. Okay. Did he place his hand on your thigh and try
25 that more than one time?

1 A. Yes.

2 Q. Okay. What about -- you were alone with him when
3 you went into the room that night?

4 A. Uh-huh.

5 Q. Did you ever go into a room alone with him again
6 after that?

7 A. No.

8 Q. Okay. And was that something you did on purpose or
9 it just worked that way or how was it?

10 A. I did it on purpose so he wouldn't be able to do it
11 again.

12 Q. Okay. After the -- after this had happened, do you
13 know, were you ever alone with him again?

14 A. Not that I remember.

15 MR. NEDWICK: Ma'am, this -- now we've talked about
16 a number of things. Are you referring to the one with the most
17 detail?

18 THE COURT: If you could clarify which incident
19 you're talking about, please, Ms. Austin.

20 MS. AUSTIN: Sure.

21 Q. (By Ms. Austin) After the -- and you said you
22 weren't sure about the unhooking the bra, whether that happened
23 before or after; is that right?

24 A. Yes.

25 Q. But after the thing happened in the bedroom where he

1 was able to touch you, did you ever go around him or were you
2 ever alone with him again?

3 A. No.

4 Q. And I say "alone with him again," like, alone with
5 him again at home. Did he still pick you up from places?

6 A. Uh -- yes.

7 Q. Okay. Now there were five other kids in the home.
8 Was it often that there was -- that you were home alone anyway?

9 A. No.

10 Q. Okay. Now you said that you never told -- you
11 didn't tell your mom about this. At some point did you tell
12 someone?

13 A. Um, whenever my mom asked me, like asked my dad and
14 my stepmom about it because, um, she found out that he was --

15 Q. I'm going to stop you for one second. You have to
16 talk about only what you know. Okay?

17 A. Okay.

18 Q. At some point did someone ask -- or come to you and
19 ask you about touches?

20 A. Yes.

21 Q. Who asked you?

22 A. My dad and my mom.

23 Q. Okay. And so --

24 A. My stepmom.

25 Q. Where were you when that happened?

1 A. In Arizona with my dad.

2 Q. What's your dad's name?

3 A. Jeff Jackson -- Chad Jackson.

4 Q. Okay. And you said your stepmom. What's your
5 stepmom's name?

6 A. Kaitlyn Jackson.

7 Q. And were you visiting them when this happened?

8 A. Yes.

9 Q. Or having your visitation?

10 A. Yes. My dad's name is Jeff. Chad is his middle
11 name.

12 Q. Okay. Does he go by Chad?

13 A. Yes.

14 Q. Okay. And did you approach -- or go to them to tell
15 them something happened?

16 A. No. They came to me.

17 Q. Okay. And when they came to you, what did they ask
18 you?

19 A. They asked if anybody has ever touched me anywhere
20 or anything.

21 Q. Okay. Was it -- were you having a conversation
22 about that or was it out of the blue or how was it?

23 A. It was just out of the blue.

24 Q. And did they ask you specifically if the defendant
25 had ever touched you before?

1 A. No. They didn't ask me specific stuff. They just
2 asked me, "anyone"?

3 Q. And what did you tell them?

4 A. I told him that he -- that Dallas did.

5 Q. And did you tell me them in the detail that we've
6 talked about today?

7 A. Yes.

8 Q. Okay. And did you tell both your stepmom and your
9 dad or was it just one of them?

10 A. It was mostly my stepmom because I didn't think my
11 dad could handle it.

12 Q. And then after that, did you end up talking to your
13 mom about it when you came home or at some point?

14 A. Um, a little bit about it.

15 Q. Okay.

16 A. She didn't want to hear about it.

17 Q. Okay. She what?

18 A. She didn't want to hear about it.

19 Q. Okay. When you say "didn't want to hear about it,"
20 didn't want to hear exactly what happened?

21 A. Yeah. She didn't want to hear exactly. She didn't
22 want details or anything.

23 Q. But did you tell her kind of what you told your
24 stepmom?

25 A. Yes.

1 Q. Do you know if -- were your mom and the defendant,
2 were they still together when you told?

3 A. Um, I don't remember.

4 Q. But when you told them this, they came to you and
5 asked you?

6 A. Yes.

7 Q. Okay. Now, I know you said before that you didn't
8 tell because your mom was happy. How come you told at this
9 point?

10 A. Because I felt like I had the right moment to do it.

11 Q. Okay. After you told your stepmom and your dad, at
12 some point when you came back to Oklahoma, did you have to go
13 and talk to somebody about what happened here?

14 A. Here?

15 Q. Yes.

16 A. Um, yes.

17 Q. Okay. Like at Mary Abbott Children's House? Like a
18 place where you went in a room and talked to somebody where
19 they --

20 A. Yes.

21 Q. Okay. Did you forget about that?

22 A. Yeah.

23 Q. Okay. After you told your mom -- I'm sorry, your
24 stepmom and your dad in Arizona what happened, did you ever see
25 the defendant again?

1 A. I saw him at the courthouse whenever I went to
2 testify the first time.

3 Q. Okay. And you say, "testify the first time." Was
4 that in a different courtroom than here with your mom?

5 A. Yes.

6 Q. To get a VPO?

7 A. Yes.

8 Q. Okay. But is that the last time you saw him?

9 A. Yes.

10 Q. So from when you told your stepdad -- I'm sorry,
11 your dad and your stepmom until now, you've only seen him that
12 one time in the courthouse?

13 A. Yes.

14 Q. Okay. All right, Brionna. Thank you for answering
15 my questions. And Mr. Nedwick here has some questions for you.
16 Okay?

17 A. (Nods head affirmatively.)

18 Q. Okay. Thank you.

19 MS. AUSTIN: Pass the witness.

20 THE COURT: Mr. Nedwick?

21 **CROSS-EXAMINATION**

22 **BY MR. NEDWICK:**

23 Q. Good morning.

24 A. Good morning.

25 Q. My name is Keith Nedwick, and I am the attorney for

1 Mr. Norton.

2 A. (Nods head affirmatively.)

3 Q. You and I have never talked or met. You remember
4 coming to the courthouse and testifying on a protective order
5 hearing. But I wasn't the person that asked you any questions.
6 You and I didn't meet, did we?

7 A. Huh-uh.

8 Q. Okay. If you would, when I ask a question, rather
9 than nodding (indicating) or shaking your head and saying
10 uh-huh or huh-uh, would you say yes or no? And that will help
11 the court reporter --

12 A. Yes.

13 Q. -- make sure that she gets everything down
14 correctly. Okay?

15 A. Okay.

16 Q. One other thing -- and this isn't a big deal because
17 I'm a little closer to you now, but if you could, don't let it
18 become a distraction or feel like you're obligated, but I
19 couldn't always hear you sitting over there. So if you could
20 speak up a little bit more that would help me out a little bit.
21 Okay?

22 A. (Nods head affirmatively.)

23 Q. Yes?

24 A. Yes.

25 Q. All right. Thank you. Let's talk about that

1 protective order hearing and that Mary Abbott House interview.
2 You said you talked about this incident. And when I talk --
3 when I say "the incident," I'm talking not about any of the
4 things you've described where he tried to touch you, but the
5 incident that you described in detail where he -- where you say
6 he did touch you. Okay. So that's what I'm referring to when
7 I say "the incident." Okay?

8 A. Yes, sir.

9 Q. And you talked about that in those two -- on those
10 two occasions, Mary Abbott House interview. Do you remember
11 much about that?

12 A. No.

13 Q. Do you remember who did that? Kristi Williams, do
14 you remember her?

15 A. Not a lot of it.

16 Q. You don't remember a lot of it?

17 A. No.

18 Q. And then the protective order hearing. That was
19 here in this courthouse. Right?

20 A. Yes.

21 Q. And you appeared in front of a different judge. But
22 your mom was present, your stepmom was present -- excuse me,
23 your stepmom was present; is that correct?

24 A. Yes.

25 Q. She had come in from Arizona?

1 A. Yes. And so did my dad.

2 Q. And your dad. And the judge and another attorney
3 asked you some questions about that incident; is that right?

4 A. Yes.

5 Q. And during that time the judge allowed your
6 stepmother to kind of help you while your testifying; is that
7 right?

8 A. Yes.

9 Q. During that time when you talked with Kristi
10 Williams -- or at the Mary Abbott House about this incident, my
11 understanding from reading your -- your -- your testimony in
12 the protective order hearing and the transcript of the Mary
13 Abbott House interview is that when you were asked about
14 whether his finger went inside your vagina you said, "No, not
15 inside the vagina."

16 Do you remember testifying that way?

17 A. No, I don't.

18 Q. Okay. Do you remember saying "Not inside, inside,
19 just on the skin"?

20 A. No, I don't remember saying any of that. I remember
21 just saying "inside of it."

22 Q. You remember saying "inside of it"?

23 A. Yes.

24 Q. Okay. And so I just wanted to make sure that
25 nothing has changed your recollection from back then -- and

1 when I say "recollection," I mean your memory. Nothing has
2 changed as far as your memory today when you testify as opposed
3 to when you described it first at the Mary Abbott House and at
4 the protective order hearing; is that correct?

5 A. What do you mean by that?

6 Q. You don't -- you haven't had -- you still remember
7 it the same. And to the extent that there's any difference in
8 my interpretation of what you said back then compared to today,
9 it's not -- it's -- it's a misunderstanding on my part. You
10 didn't remember after giving that testimony that it happened a
11 different way?

12 A. I still don't understand what you're saying.

13 Q. Okay. When you gave your testimony at the
14 protective order hearing, did you intend to convey to the judge
15 then that he had put his finger inside your vagina?

16 A. Yes.

17 Q. You did?

18 A. Yes.

19 Q. And same thing with the interview at the Mary Abbott
20 House. When you were questioned about this incident and you
21 talked about it, did you intend to tell the interviewer that he
22 put his finger inside your vagina?

23 A. Yes.

24 Q. Okay. Now if you could clear up another thing that
25 I may have wrong. But when you first testified -- were asked

1 about timing of this -- what I call the first incident, or the
2 incident, where you say he put his finger inside your pants and
3 on your vagina, that you thought it might be -- have been after
4 Christmas of your fifth grade year; is that right?

5 A. Yes.

6 Q. But then later you mentioned to Ms. Austin something
7 about your reason for not telling your mom is because they were
8 going to get married at some point in the future; is that
9 right?

10 A. Yes.

11 Q. Now, they were married before December -- or
12 Christmas of your -- of your fifth grade year, weren't they?

13 A. I don't remember.

14 Q. Okay. Do you remember how it was that you came to
15 meet Mr. Norton?

16 A. No.

17 Q. Your mom brought him home to meet you, I assume --

18 A. Yes.

19 Q. -- at some point?

20 A. I believe so.

21 Q. And then at some point you all moved in with
22 Mr. Norton; is that right?

23 A. Well, we moved in the same time. But he like moved
24 in like a few days after us.

25 Q. Okay. So you never lived with him except for at the

1 house --

2 A. Yes.

3 Q. -- where you have described all of these things
4 happening?

5 A. Yes.

6 Q. Do you remember, is that 1500 Fawn Run Xing or
7 something like that?

8 A. Yes.

9 Q. That's the address?

10 A. Yes.

11 Q. Okay. And neither one of you -- when I say "neither
12 one of you," Mr. Norton or your family, your mother and your
13 siblings, lived in that house until all of you moved in there
14 together; is that right?

15 A. Yes.

16 Q. And that was before they were married; is that
17 right?

18 A. Yes.

19 Q. Now, how long after you all moved in to that house
20 was it that this incident that you described wherein he touched
21 your vagina, how long approximately was it after you moved in?
22 Was it a short time, a long time?

23 A. A long time.

24 Q. It was a long time after you moved in there?

25 A. Yes.

1 Q. Okay. You moved in there -- you were still in
2 fourth grade. Right?

3 A. Yes.

4 Q. And so you think it was certainly not when you were
5 in fourth grade?

6 A. No.

7 Q. It was when you were in fifth grade?

8 A. Yes.

9 Q. And then all those other things, which I won't spend
10 a lot of time on, but those other things where you say that he
11 tried to touch you, those all happened after that first
12 incident. Right?

13 A. Yes.

14 Q. I'm sorry, I didn't hear you.

15 A. Yes.

16 Q. Okay. And all that same address, 1500 --

17 A. Yes.

18 Q. -- Fawn Run Xing or whatever it is? Focusing
19 again -- now, you don't live at that address anymore. Right?

20 A. No.

21 Q. You live in Noble now?

22 A. I live in Norman but I go to Noble schools.

23 Q. But you go to Noble schools, is that what you said?

24 A. Yes.

25 Q. And you have one brother that's still school age.

1 Does he go to Noble schools as well?

2 A. He's home schooled.

3 Q. He's home schooled? Was he home schooled back when
4 you were in fifth grade at Eisenhower?

5 A. No.

6 Q. Where was he going to school?

7 A. Longfellow.

8 Q. At Longfellow?

9 A. Yes.

10 Q. Why were you guys going to different schools?

11 A. He was in middle school; I was in elementary school.

12 Q. Okay. And then the older brother?

13 A. Yes.

14 Q. Where was he going to school, if at all?

15 A. He was going to Norman North.

16 Q. And he's no longer in school; is that right?

17 A. No.

18 Q. But when you were in fifth grade, he was going to
19 Norman North?

20 A. Yes.

21 Q. Nobody was home schooled back when you were --

22 A. Austin was, his son.

23 Q. Mr. Norton's son, Austin?

24 A. Yes.

25 Q. Is that what you're saying?

1 A. Yes.

2 Q. And who home schooled him?

3 A. Um, it's -- um, I don't even know.

4 Q. Was it done there at your house there at 1500 Fawn?

5 A. Yes.

6 Q. That was done there?

7 A. Yeah.

8 Q. While you were in fifth grade, he would be at home
9 with somebody being home schooled; is that correct?

10 A. Yeah.

11 Q. Was that every day?

12 A. Yes.

13 Q. Okay. Ms. Austin brought up the two times when you
14 discussed this incident in Oklahoma, the forensic interview and
15 then the protective order --

16 A. Yes.

17 Q. -- hearing.

18 Have there been other times since your -- you've been in
19 Oklahoma where you have talked with somebody about these
20 allegations?

21 A. Yes. I talked with my therapist.

22 Q. Okay. And you have a therapist at -- is it
23 Bethesda?

24 A. Yes.

25 Q. Who is that therapist?

1 A. I don't know her name.

2 Q. Okay. Did you have her as a therapist before
3 returning from Arizona when you were in fifth grade?

4 A. No, after.

5 Q. It was after that?

6 A. Yes. After I did the hearing and stuff.

7 Q. Okay. Before that, you weren't in any counseling?

8 A. No.

9 Q. And you've talked to her about it; is that right?

10 A. Yes.

11 Q. What about anybody at the district attorney's office
12 or Ms. Austin? Have you talked with them about what happened?

13 A. Um, who?

14 Q. Ms. Austin?

15 A. Yes.

16 Q. Pardon?

17 A. Yes.

18 Q. Prior to being in that chair, you had already spoken
19 with her about this?

20 A. Yes.

21 Q. Okay. When was that?

22 A. Um, on Tuesday.

23 Q. Just recently?

24 A. Yes.

25 Q. Okay. Other than Ms. Austin and your therapist,

1 anybody else?

2 A. Um, the person where I did the interview with and
3 the judge that I did the hearing with.

4 Q. Okay. So four people it sounds like. Right?

5 A. Yes.

6 Q. Here in Oklahoma?

7 A. Yes.

8 Q. Let's see if you can clarify for me. When the
9 incident that you described that happened in your mother's
10 bedroom, when that happened, they had not -- they had been
11 married or not married?

12 A. Not married.

13 Q. Okay. But are you more certain of that or more
14 certain that you were in fifth grade when it happened?

15 A. More certain of that.

16 Q. Okay. Are you certain that you were in fifth grade
17 when that happened?

18 A. I'm not certain, but I remember -- I kind of
19 remember that it was in fifth grade, kind of.

20 Q. Okay. And you remember testifying earlier that it
21 was a long time after you guys moved into the house --

22 A. Yes.

23 Q. -- together that that first incident happened.
24 Right?

25 A. Yes.

1 Q. But your mom and Mr. Norton were married pretty --
2 just a few months after you guys moved into that house. Isn't
3 that right?

4 A. No. They got married like a year and a half after.

5 Q. Okay. Did you attend the wedding?

6 A. Yes.

7 Q. And it was a big event?

8 A. Yes.

9 Q. Okay. The -- the disclosure, when you talked to
10 your stepmom and stepdad (sic) you were in Arizona. Correct?

11 A. Yes.

12 Q. And that was after the end of your fifth grade year,
13 wasn't it -- or sixth grade, which one?

14 A. Fifth grade.

15 Q. Okay. You had completed the school year and you
16 were out there for the summer visitation that your father had.
17 Right?

18 A. Yes.

19 Q. And then that was about the middle of July; is that
20 right? When you had that conversation with them?

21 A. I don't remember.

22 Q. Okay. You came back a short time after talking to
23 them about --

24 A. Yes.

25 Q. Right?

1 A. A month after, yeah.

2 Q. And when you came back, Mr. -- did you guys move --
3 did you come back to that same house, 1500?

4 A. No.

5 Q. You had already -- your mother had already moved?

6 A. My mother moved as soon as I got back to Oklahoma.

7 Q. Okay. But -- okay. As soon as you got back.

8 So you were there at least briefly --

9 A. Yes.

10 Q. -- at the same house that you've described as being
11 where all of this happened. Right?

12 A. Yes.

13 Q. But you guys moved shortly thereafter?

14 A. Yes.

15 Q. You -- that same year, you had visited your father
16 for Christmas break too. Right?

17 A. Yes.

18 Q. And that was -- well, actually the previous year?

19 A. Yes.

20 Q. The previous year is the one I'm interested in,
21 before Mr. Norton moved out.

22 So when you guys still lived at 1500 Fawn Crossing, you
23 had gone to Arizona not only for the summer but before that you
24 had gone out there for Christmas; is that right?

25 A. Yes.

1 Q. And while you were out there for Christmas, had all
2 of these things already happened or they had not happened, all
3 the things that you've testified to about touching and
4 attempting to touch?

5 A. I don't remember.

6 Q. Okay. You remember going out to Arizona?

7 A. Yes.

8 Q. You do remember that. Right?

9 A. Yes.

10 Q. And then you came back at some point after Christmas
11 or -- was that the normal routine?

12 A. Yes.

13 Q. But you would spend Christmas out there every time
14 in Arizona?

15 A. Yes.

16 Q. So do you remember if these things that you've
17 described happened before you went out there to visit your dad
18 or after?

19 A. For the summer?

20 Q. No, for -- for Christmas?

21 A. I don't remember.

22 Q. Okay. You said you didn't tell anybody after they
23 happened. For a period of time you didn't tell anybody.
24 Right?

25 A. Yes.

1 Q. Was that a long period of time or short period of
2 time?

3 A. What do you mean by that?

4 Q. I mean, was -- had these things happened -- let's --
5 when I say "these things," let's just focus on the one that
6 happened in -- that you described as happening in your mother's
7 bedroom with the actual touching of your vagina. Okay? That
8 one?

9 A. (Nods head affirmatively.)

10 Q. Had that happened a long time before you went out to
11 visit your father for Christmas or a short time?

12 A. Um, about like medium time before I went to go see
13 him for Christmas I think.

14 Q. Okay. Was it cold out, do you remember?

15 A. I don't remember.

16 Q. How do you know your mom was at a concert?

17 A. Because she told me.

18 Q. Back then or since then?

19 A. What do you mean by that?

20 Q. I mean, did -- did you remember that she was at a
21 concert at the time it happened or did she tell you since then
22 that, "Oh, yeah, that's when I was gone to that concert"?

23 A. I remember she was at the concert.

24 Q. Okay. Do you know what concert it was?

25 A. No.

1 Q. Have the two of you, you and your mother, spoken
2 about that concert since you got back from Arizona --

3 A. No.

4 Q. -- after making the disclosure to your father?

5 A. No.

6 Q. I'm sorry?

7 A. No.

8 Q. You mentioned somebody that I'm unfamiliar with. I
9 think his last name was Morris.

10 A. Yes.

11 Q. Pardon?

12 A. Yes.

13 Q. Who is that?

14 A. Mario Morris. It's my mom's boyfriend currently.

15 Q. And do you live with him?

16 A. Yes.

17 Q. How long have you known him?

18 A. Like since October.

19 Q. October of last year?

20 A. Yes. 2020.

21 Q. When did you move in with him?

22 A. This, um, January or December.

23 Q. Okay. Either December of last year or January of
24 this year?

25 A. Yes.

1 Q. Who is Zack? Zack Wall, who is that?

2 A. He's my mom's ex-boyfriend.

3 Q. Okay. And did you live with him as well?

4 A. Yes, but only for like a few months.

5 Q. And when was that?

6 A. I don't remember.

7 Q. It was after these allegations came about; is that
8 right?

9 A. Yes.

10 Q. And obviously before you moved in with Mr. Morris.
11 Right?

12 A. Yes.

13 Q. Did you know Mr. Wall before moving in with him?

14 A. Yes.

15 Q. How long have you known him?

16 MS. AUSTIN: Your Honor, I'm going to object to the
17 relevance of how long she knew one of her mom's boyfriends.

18 THE COURT: What's the relevance of those
19 relationships to the probable cause hearing?

20 MR. NEDWICK: Judge, I'm trying to get oriented --
21 help her get oriented to time on all of this.

22 THE COURT: These are all after this incident
23 occurred. Correct?

24 MR. NEDWICK: (Nods head affirmatively.)

25 THE COURT: All of these relationships?

1 MR. NEDWICK: Perhaps.

2 THE COURT: Okay.

3 MR. NEDWICK: I mean -- she's --

4 THE COURT: Unless they're somehow relative to the
5 incident itself or that timeframe, then I'm going to sustain
6 the objection.

7 MR. NEDWICK: Okay. There's one that I'm not clear
8 on because he was present at the house when -- before she came
9 back to Oklahoma according to DHS records.

10 THE COURT: Okay.

11 MR. NEDWICK: I'll ask her.

12 Q. (By Mr. Nedwick) Do you know a gentleman named
13 Victor?

14 A. Yes.

15 Q. Who is Victor?

16 A. My mom's ex-boyfriend.

17 Q. And he was living at that house there at 1500 Fawn
18 Run Xing when you returned from Arizona after making the
19 disclosure; is that correct?

20 A. I don't remember.

21 Q. Okay. Was there a time when he did live there with
22 you guys?

23 A. Yes.

24 Q. You mentioned that it wasn't uncommon for you to --
25 to lay in the bed and watch television with Mr. Norton; is that

1 right?

2 A. Yes.

3 Q. Now on the night when this happened, when your mom
4 was at the concert, he didn't ask you to come back there, did
5 he?

6 A. No.

7 Q. And he didn't tell you to stay there at any point,
8 did he?

9 A. No.

10 Q. And he didn't ask you to come back there afterwards.
11 Right?

12 A. No.

13 Q. And he never told you, "don't tell anybody," or
14 anything like that, did he?

15 A. No.

16 Q. You went -- you described going to a bathroom. Was
17 that bathroom in the -- your mom's bedroom or a different one?

18 A. No. Different one.

19 Q. Okay. There is a bathroom in your mom's room --

20 A. Yes.

21 Q. -- is that right? Okay.

22 And so after that incident that happened when your mother
23 was at the concert, you and Mr. Norton continued to do
24 activities together; is that right?

25 A. Yes.

1 Q. He would go to your practices and games sometimes;
2 is that right?

3 A. Yes.

4 Q. And you guys would play and wrestle --

5 A. Yes.

6 Q. -- correct? You guys went to a dance together; is
7 that right?

8 A. Yes.

9 Q. All of that --

10 A. My brother also went.

11 Q. I'm sorry?

12 A. My brother also went to the dance too.

13 Q. Okay. Which brother?

14 A. Dillon.

15 Q. And where was that dance? At your school?

16 A. No. I don't remember.

17 Q. Okay. I want to see if I understood you correctly
18 when you were talking about how it was that Mr. Norton's hand
19 got to your vagina.

20 If I understood your testimony, it came up -- his hand
21 came up through the leg of your shorts; is that correct?

22 A. Yes.

23 Q. Was there any time when -- well, scratch that. It
24 didn't go down the back of your -- of your pants from the top?

25 A. No.

1 Q. These other incidents that you described where you
2 believed he was trying to touch you, do you remember what I'm
3 talking about?

4 A. Yes.

5 Q. The first one being where -- that you described him
6 unbuttoning -- unsnapping your bra?

7 A. Yes.

8 Q. And you said that his hands were on your -- your
9 side; is that right?

10 A. Yes.

11 Q. They never touched your breasts, did they?

12 A. No.

13 Q. And you were on top of him wrestling. Right?

14 A. Yes.

15 Q. And so his -- his hands had been in other places on
16 your body during that wrestling that time. Right?

17 A. Yes.

18 Q. And then -- but when your bra came undone, you got
19 up?

20 A. Yes.

21 Q. What was the other incident? I think you were
22 describing your mother cooking and you felt like he put his
23 hand on your thigh and he was going to move it to your vagina
24 but you got up; is that right?

25 A. Yes.

1 Q. He didn't say anything that indicated he was going
2 to do that, did he?

3 A. No.

4 Q. He didn't -- and there were a lot of other people
5 around. Correct?

6 A. Yes.

7 Q. And you were just concerned that he might do that so
8 you got up; is that right?

9 A. Yes.

10 Q. There was one statement that you attributed -- that
11 you said that he said twice. Something about "it's okay"; is
12 that right?

13 A. Yes.

14 Q. If I understood your previous statements, that was
15 when you took -- you took your hand away from his penis; is
16 that right?

17 A. Yes.

18 Q. Prior to -- prior to that he didn't say "it's okay"
19 or anything else; is that right?

20 A. What do you mean?

21 Q. During the -- the things that led up to him putting
22 his hand on -- your hand, excuse me, on his penis, you guys
23 weren't talking about what was going on?

24 A. No.

25 Q. He didn't say anything. Right?

1 A. No.

2 Q. So when you said he said "it's okay, it's okay,"
3 that was in response to you jerking away from him. Correct?

4 A. Yes.

5 Q. When your stepmother and your father talked to you
6 in Arizona, did they come into your bedroom and talk to you?

7 A. No.

8 Q. Or how did that take place?

9 A. It was on their back patio.

10 Q. On their back patio?

11 A. Yes.

12 Q. And they just indicate -- told you, "hey, we would
13 like to talk to you"?

14 A. Yes.

15 Q. And it was just the three of you?

16 A. Yes.

17 Q. And what did they ask you?

18 A. They asked me if anybody has ever touched me in my
19 private parts or anything?

20 Q. Okay. So they indicated "private parts"
21 specifically?

22 A. Yes.

23 Q. And then that's when you told them. Did you
24 immediately say, "Yes, Mr. Norton," or --

25 A. Um.

1 Q. -- did you initially say "No," or what?

2 A. I said yes.

3 Q. And they -- then what?

4 A. Then I told them what happened.

5 Q. And your dad was present for that, although he
6 wasn't talking? She was doing most of the talking, the
7 stepmom?

8 A. Um, it was about the same.

9 Q. Okay.

10 MR. NEDWICK: May I have just a moment, Judge?

11 THE COURT: You may.

12 Brionna, do you need to stand up and stretch for a
13 minute?

14 THE WITNESS: No, I'm good.

15 THE COURT: Okay.

16 Q. (By Mr. Nedwick) You mentioned that it was not
17 uncommon for you and Mr. Norton to lay in the bed together
18 prior to that incident that happened when your mother was at
19 the concert. Nothing -- he never touched you inappropriately
20 on any of those occasions, did he?

21 A. What do you mean?

22 Q. When you guys would lay in the bed?

23 A. No.

24 Q. The two of you?

25 A. He never did.

1 Q. Okay. And then you guys were -- well, we'll just
2 leave it at that.

3 MR. NEDWICK: Thank you, Judge.

4 THE COURT: Any redirect, Ms. Austin?

5 MS. AUSTIN: Very briefly.

6 REDIRECT EXAMINATION

7 BY MS. AUSTIN:

8 Q. Brionna, I think a lot of these questions kind of
9 were going to the fact of how this came about, your mom's other
10 boyfriends and things like that. Did your mom tell you to make
11 this up so she could get a new boyfriend?

12 A. No. She never even talked to me about it.

13 Q. Okay. There's a lot of confusion about the dates
14 and when this happened. Are you sure at all when this
15 happened?

16 A. No, I'm not.

17 Q. But when it happened, did you live on -- in that
18 house with the defendant?

19 A. Yes.

20 Q. And there was a question about you saying "inside"
21 with the Mary Abbott House or in the testimony before. Do you
22 remember saying to the interviewer that you know it was between
23 the skin when he touched your vagina?

24 A. Yes, I remember.

25 Q. Okay. And did you -- have you always said that,

1 that it was between the skin?

2 A. Yes.

3 Q. Thank you.

4 MS. AUSTIN: Nothing further.

5 THE COURT: All right. You may step down. Thank
6 you for your appearance today.

7 MS. AUSTIN: The State calls Tiffany Norton.

8 THE COURT: Ma'am, would you raise your right hand,
9 please?

10 (Witness sworn.)

11 THE COURT: Okay. You may need to adjust the
12 microphone height just a little bit while you testify. Thank
13 you.

14 TIFFANY NORTON,

15 Having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. AUSTIN:

18 Q. Would you please state your name for the record?

19 A. Tiffany Norton.

20 Q. And Ms. Norton, Brionna Jackson that just left, is
21 that your daughter?

22 A. Yes.

23 Q. Did you live in Norman with a man by the name of
24 Dallas Norton?

25 A. Yes.

1 Q. Where did you live?

2 A. We lived at 1500 Fawn Run Xing.

3 Q. And is that within Cleveland County?

4 A. Yes, ma'am.

5 Q. And how long -- or when -- do you know the dates and
6 times when you lived there?

7 A. We moved in like right after school started in 2017,
8 and I moved out of there in '19, like July or August.

9 Q. And so when you say "right after school started," so
10 like August?

11 A. Yeah.

12 Q. Would that be --

13 A. (Unintelligible).

14 Q. -- August of 2017? So August or September of 2017?

15 A. Uh-huh.

16 Q. When did the defendant move out of there -- of that
17 house?

18 A. The first time was during the summer of '18, after
19 we got married.

20 Q. Okay.

21 A. And then I let him move back in at the end of
22 December in '18.

23 Q. So there's a period of time that he moved out of
24 there?

25 A. Yes.

1 Q. And then moved back in. And when did he move out
2 for good?

3 A. It was the summer of 2019.

4 Q. Okay. So during that time that he had moved out for
5 a brief period of time, did he still come visit?

6 A. Absolutely.

7 Q. Okay. So August of '17 through summer of '19 --

8 A. Uh-huh.

9 Q. -- is when that was his residence?

10 A. Yes.

11 Q. But he did move out for a period of time?

12 A. Yes.

13 Q. When did you get married?

14 A. June of 2018.

15 Q. Okay. All right. Thank you.

16 MS. AUSTIN: Pass the witness.

17 THE COURT: Mr. Nedwick?

18 MR. NEDWICK: Thank you, Your Honor.

19 **CROSS-EXAMINATION**

20 **BY MR. NEDWICK:**

21 Q. Ma'am, that house that you lived in there at 1500
22 Fawn Run Xing, were you renting that place?

23 A. Yes.

24 Q. Was that a lease that you signed? Was it in your
25 name, both of your names, what?

1 A. It was in both of ours.

2 Q. Do you have a copy of that lease?

3 A. No. I could get it though, probably.

4 Q. Okay. Do you remember who you were leasing it from?

5 A. A-1 Property Management.

6 Q. A-1?

7 A. Uh-huh.

8 Q. Okay. There's been reference to a concert that you
9 attended.

10 A. Uh-huh.

11 Q. Do you remember that concert?

12 A. I remember like one concert I went to.

13 Q. You went to a number of them?

14 A. Just a couple.

15 Q. What were those concerts, if you remember?

16 A. One was Kane Brown. That was like the last one that
17 I went to.

18 Q. Was that at a casino?

19 A. No. It was at the Lloyd Noble.

20 Q. At the Lloyd Noble? And did Mr. -- was that during
21 the time that Mr. Norton lived with you?

22 A. Yes. But we were -- agreed to a divorce. And so he
23 didn't like who I was with at the time or that I would -- would
24 have been going to the concert with. So I told my kids that I
25 was going to a concert with a friend at the casino.

1 Q. And when was that?

2 A. I don't remember. I would have to look up the Kane
3 Brown concert.

4 Q. Do you have an idea of when it was, what year?

5 A. It was cold. And it was in -- probably '18 -- end
6 of '18, beginning of '19.

7 Q. Okay.

8 A. Somewhere around in there.

9 Q. And Mr. -- Mr. Norton wasn't living at the house
10 until after Christmas of '18; isn't that right?

11 A. His family had come to my house to do Christmas with
12 my kids. And we talked and decided shortly after that that he
13 would move back in. He wanted to work on things. So it was
14 before the first of the year that he was back in my house.

15 Q. All right. Okay. To clarify my question, though,
16 it was after Christmas, before the new year, is that accurate?

17 A. Yes.

18 Q. Okay. And when I say, "after Christmas," I'm
19 talking Christmas 2018.

20 A. Yes.

21 Q. Okay. And that's about the time you went to that
22 concert that you told your children?

23 A. It was after that, I believe.

24 Q. Pardon?

25 A. I think it was after that that I went to the

1 concert.

2 Q. Okay. But you can find that out?

3 A. Anybody can.

4 Q. Say the person's name again? I wasn't familiar.

5 A. Kane Brown.

6 Q. Okay. Still I'm not familiar with him, but thank
7 you.

8 MR. NEDWICK: Nothing further, Judge.

9 THE COURT: May she be excused? Or any redirect?

10 MS. AUSTIN: Yes.

11 REDIRECT EXAMINATION

12 BY MS. AUSTIN:

13 Q. I think it sounds like you went to several concerts
14 or a couple here and there.

15 A. Uh-huh.

16 Q. Did you go to others besides Kane Brown while you
17 were in the relationship or do you remember?

18 A. I don't remember.

19 Q. Okay. So we're not for sure that's the concert that
20 we're talking about, but you did remember going to a Kane Brown
21 concert?

22 A. Yeah. Just because I'm obsessed with him.

23 Q. All right. Thank you, ma'am.

24 THE COURT: All right. Ma'am, you may step down.
25 Thank you for your appearance.

1 MS. AUSTIN: Your Honor, the State has no further
2 witnesses at this time. However, the State would move to amend
3 the information, specifically for the date range that is
4 currently listed. The State would move to amend that to
5 conform with the evidence to September 1st of 2017 to June 1st
6 of 2019 as the timeframe that the defendant resided in the
7 home.

8 The first count also -- Count 1 also reads --
9 towards the end, it reads with the initials of "NJT." That is
10 supposed to be "BNJ" for Brionna Jackson. That's a typo.

11 The State would further move to amend to add an
12 additional count of Count 2, lewd acts with a child with the
13 same date range, same Brionna Jackson, date of birth, with the
14 allegations being the forcing the victim Brionna Jackson to
15 touch defendant's penis with her hand to conform with the
16 evidence.

17 And with those amendments and there being no page 2,
18 the State rests.

19 THE COURT: Mr. Nedwick?

20 MR. NEDWICK: Your Honor, we don't have -- we're not
21 asking to call any witnesses, but I would like to demurrer.
22 And before I do so, respond to the amendments.

23 The September 1st of 2017 amendment, I'm not sure
24 how there was any testimony that supports that this took place
25 anywhere near September 1st of 2017. There was nothing in

1 the -- the evidence that indicates that. So other than him --
2 them establishing that he lived in the house at that point,
3 that's all the evidence. So making that amendment does not
4 seem appropriate because there was absolutely no testimony from
5 anybody that suggests that it happened before the dates that
6 are already in the information, which first day of June 2018
7 through January of 2019. So we would object to certainly the
8 2017 part of it.

9 As far as changing the January of 2019 to June of
10 2019 -- you did make that request, didn't you?

11 MS. AUSTIN: Yes, I did.

12 MR. NEDWICK: Given those -- the testimony. If they
13 had requested to amend to cover some of those other attempts or
14 whatever they were characterized as, maybe that would make --
15 maybe the evidence would have supported that, but they didn't.

16 So we know that -- that all of these other things
17 happened after that first thing and -- the thing that's
18 charged.

19 And furthermore, there was no evidence that it
20 happened close to the time when -- when Brionna and the rest of
21 her siblings went out to Arizona at the end of the school year.
22 So there's no reason to expand the date range there, Your
23 Honor. It's not supported by the evidence other than the fact
24 that he might have lived there, and that's not sufficient for
25 an amendment.

1 As to Count 2, Judge, I believe that what you heard
2 as far as testimony was a -- an act -- an allegation of sexual
3 abuse on a child which may have included a touch of this and a
4 touch of that, but even if you believe the -- the testimony, it
5 was all part of one series or one event that happened within
6 seconds of one another. It's all part of the same thing. So
7 that would be a violation of Section 11 to allow the State to
8 amend to make that second count.

9 If the Court believes the testimony of the child on
10 the touching of the penis, then that's still part of the -- the
11 sexual abuse, the lewd acts that are already charged. So that
12 would not be appropriate.

13 And then on the demurrer, do you want to hear that
14 now too?

15 THE COURT: Go right ahead. Yes.

16 MR. NEDWICK: On the demurrer, Judge, we don't
17 believe that even for preliminary hearing purposes the evidence
18 was sufficient to support. We'd ask that you dismiss the
19 single count information and deny the amendment to count -- to
20 add Count 2.

21 THE COURT: Anything further, Ms. Austin?

22 MS. AUSTIN: Judge, I would just point out the date
23 range that I have moved to amend is to include the timeframe
24 that they lived in that house. There was confusion back and
25 forth as to when this occurred. She was very clear that she

1 knows it happened while they lived in that house. There was
2 some confusion about whether it was before Christmas, after
3 Christmas, when they were married. Her mother said that they
4 were married in June of '18. And Brionna was very clear she
5 did not think they were married yet at the time this occurred
6 so that would encompass the timeframe that they were living in
7 the house prior to that which is what was currently charged.
8 It was charged before June 1st, which is what I think
9 Mr. Nedwick said would accommodate what she said. But if they
10 weren't married until June of '18, it would not. So that's why
11 I expanded it to during the timeframe they lived in that home.
12 The timeframe is to put the defendant on notice of when these
13 crimes occurred. And essentially with that timeframe, we're
14 putting the defendant on notice that it was the timeframe while
15 they lived in that home together while he had access to Brionna
16 Jackson.

17 As for Count 2 in the Section 11 argument, this was
18 not a simultaneous act. As Brionna very clearly testified, the
19 first act of touching her vagina with his hands had concluded,
20 she had rolled over to make it stop. And when she rolled back
21 over is when the defendant then grabbed her hand and forced her
22 to touch his penis. So they are two separate acts. If he had
23 not done the second act -- the first was complete and over and
24 done with. There was nothing more to add to it. It was when
25 he started another entire act, after it was over, then she

1 rolled over, then he rolled back over and he grabbed her hand
2 and did that. So there was two separate incidences that are
3 supported by a break in time even, which we don't normally have
4 in these cases. But we do even have a break in time. Although
5 seconds or maybe even minutes, we still do have a break in
6 time.

7 So I do think it is appropriate for both counts.
8 And we would ask for the amendment of the timeframe to include
9 the time living in the home.

10 THE COURT: All right. Over the objection of the
11 defendant, the amendments will be allowed as announced. A
12 bindover information is to be filed within ten days reflecting
13 those changes.

14 The demurrer is overruled. The Court does find that
15 there is probable cause to believe that the crimes as alleged
16 in Count 1 and Count 2 as amended did occur and that there's
17 probable cause to believe that this defendant committed those
18 crimes.

19 The matter will be set for formal arraignment before
20 Judge Balkman. Do you wish to do that within 30 days,
21 Mr. Nedwick?

22 MR. NEDWICK: We'll waive the 30 days, Your Honor.

23 THE COURT: Do you want to look at a February date?

24 MR. NEDWICK: It's fine with me. Whatever is best
25 for Judge Balkman's docket. It just really doesn't --

1 THE COURT: Because of the fluctuating jury term, I
2 would suggest February 24th to make sure we're clear of any
3 trials that --

4 MS. AUSTIN: That's exactly what I was going to ask.

5 THE COURT: -- are being attempted, so...

6 All right. Then, Mr. Norton, sir, you will be
7 ordered to reappear before Judge Balkman on February 24th at
8 8:30 in the morning for a formal arraignment. Stay in contact
9 with Mr. Nedwick. You'll remain free on the bond that you've
10 posted. If there are any conditions associated to that bond,
11 those continue to be in effect.

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Thank you, sir.

14 All right. We'll be in recess.

15 (End of proceedings.)

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CERTIFICATE

STATE OF OKLAHOMA)
COUNTY OF CLEVELAND)

I, Tanya Burcham, a Registered Professional Reporter within and for the State of Oklahoma, do hereby certify that I was present at the proceedings had January 15, 2021; that I recorded in stenotype notes all of said proceedings, that I thereafter transcribed my notes so taken and reduced same to typewritten form, and that the foregoing Transcript of Proceeding is full, true, correct and complete, to the best of my skill and ability.

I further certify that I am not an attorney for nor relative of any of said parties or otherwise interested in the outcome or event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 25th day of January, 2021.


Tanya Burcham, CSR, RPR, CRR



Tanya Burcham
State of Oklahoma
Certified Shorthand Reporter
CSR # 1540

My Certificate Expires 12/2021