

# APPLICATION FOR POST-CONVICTION RELIEF

## Introduction: A Demand for Justice

This is not a petition for mercy; it is a demand for justice for an innocent man whose life was stolen by a system that betrayed its every oath. I was a father and a business owner. I trusted in the presumption of innocence. I refused every plea offer because I would not admit to a crime I did not commit, even when facing life in prison. For that principle, I was punished. I was subjected to a trial by ambush, convicted on a foundation of perjury, prosecutorial misconduct, and manufactured evidence, all while the court stood by and watched.

My life has been destroyed. My children are being raised without their father. My name has been irrevocably tarnished. I am angry, I am hurt, and I am fighting back with the one thing the State could not take from me: the truth.

The conviction in Case No. CF-2019-1273 is not merely flawed; it is a legal and constitutional nullity. It is the product of a systemic collapse of justice, from a willfully blind investigation to a trial poisoned by misconduct and a judiciary that abdicated its duty to ensure fairness. This Application will demonstrate that the conviction is void and that my continued incarceration is a miscarriage of justice that this Court is constitutionally obligated to correct.

## PROPOSITION I: THE CONVICTION IS VOID AB INITIO. THE COURT NEVER HAD JURISDICTION.

The entire prosecution was built on a legally void charging document. This is not a technicality; it is a fatal jurisdictional flaw that invalidates every subsequent action taken by the court.

- **The Error:** The original Information charged the Petitioner with a crime against victim "B.N.J." but stated in an essential element that he was older than "**N.J.T.**", a different and non-existent person in this case (**Information, p. 1**).
- **Why it Mandates Relief:** A charging document that fails to correctly identify the victim in an essential element of the crime fails to state a public offense. Under Oklahoma law, this is a **jurisdictional defect**. The court legally never had the power to hold a trial, enter a judgment, or impose a sentence. The conviction is void *ab initio* (from the beginning).
- **The Law is Absolute:** *Parker v. State, 1996 OK CR 19* holds that a challenge to the sufficiency of an information is jurisdictional and can be raised at any time. The conviction is a legal nullity.

## PROPOSITION II: THE VERDICT IS LEGALLY INSUFFICIENT AND UNCONSTITUTIONAL.

Even if the court had jurisdiction, the verdict itself is illegal. The State's entire case rested on the testimony of a single witness who was so fundamentally inconsistent that the trial judge himself was compelled to formally impeach her credibility.

- **The Error:** The trial court issued OUJI-CR 9-20 instructions (14A and 14B), formally notifying the jury that the testimony of the complainant, B.J., and her father, Jeff Jackson, contained inconsistencies. The State presented **zero independent corroborating evidence** to support their impeached statements.
- **Why it Mandates Relief:** Oklahoma law is unequivocal: a conviction **cannot stand** on

the uncorroborated testimony of a formally impeached witness. This isn't a question for the jury; it is a matter of law. The moment the State rested its case without providing any independent evidence to support its impeached witnesses, the defendant was entitled to an acquittal. The jury's verdict is legally insufficient and therefore void.

- **The Law is Absolute:** *Spuehler v. State*, 1985 OK CR 132 and *Goodson v. State*, 1977 OK CR 3 establish that when a witness has been impeached, their testimony requires material corroboration to support a conviction. Without it, the evidence is insufficient as a matter of law, violating the Due Process Clause under *Jackson v. Virginia*, 443 U.S. 307 (1979).

### **PROPOSITION III: THE TRIAL WAS A CONSTITUTIONAL TRAVESTY DUE TO PERVASIVE PROSECUTORIAL MISCONDUCT.**

The State had an impeached accusation and nothing more. They knew it was not enough to convict an innocent man. So they cheated. In over **275 instances**, the prosecutors engaged in a relentless campaign of misconduct designed to substitute prejudice for evidence and secure a conviction by any means necessary.

- **The State Committed Reversible Error by Repeatedly Vouching for Its Witness and Asserting Guilt as Fact:**
  - **"We know she's telling the truth."** (Tr. Vol. IV, p. 78)
  - **"We know the crime occurred."** (Tr. Vol. IV, p. 92)
  - **"He is guilty beyond a reasonable doubt."** (Tr. Vol. IV, p. 95) These statements are strictly forbidden under *Pickens v. State* and *Sloss v. State*.
- **The State Committed Reversible Error with Inflammatory Rhetoric Designed to Incite Jury Passion and Prejudice:**
  - **"He made the choice to be a child molester."** (Tr. Vol. IV, p. 92)
  - **"Because that's what... a sex offender says..."** (Tr. Vol. IV, p. 88) This is textbook inflammatory misconduct designed to provoke a conviction based on emotion, a clear violation of a fair trial under *Hanson v. State*.
- **The State Committed Reversible Error by Systematically Misstating the Law and Shifting the Burden of Proof:**
  - **"If you're unhappy with the investigation... Complain to the chief... the remedy is not to let a guilty man go free."** (Tr. Vol. IV, p. 67) This is a flagrant and unconstitutional distortion of the State's burden of proof.
- **The State Committed a Fraud on the Court:** After convincing the judge to admit the father's hearsay testimony by arguing it was **reliable**, the prosecutor stood before the jury and disavowed it, arguing he was too emotional to be trusted: **"Her story's what's important, not the way Jeff Jackson relayed it."** (Tr. Vol. IV, p. 66). This bait-and-switch tactic is a direct admission of bad faith and a fraud upon the court.

### **PROPOSITION IV: THE INVESTIGATION WAS A SHAM DESIGNED TO CONVICT, NOT TO DISCOVER TRUTH.**

The conviction was secured not by evidence, but by the deliberate suppression and destruction of it.

- **The Deliberate Destruction of Exculpatory Evidence:** The State "purged" the single most critical piece of evidence: the body cam recording of the initial, uncoached disclosure from the complainant's father. They preserved a later, less important video, but

the foundational recording that would have exposed the inconsistencies in the State's narrative from day one was conveniently destroyed. This is spoliation of evidence and a profound due process violation under *Arizona v. Youngblood*.

- **The Knowing Use of Perjury:** Detective Judy lied on the stand, claiming he "can't talk to" the victim (**Tr. Vol. III, p. 36**). This was directly contradicted by the victim's own sworn testimony that she gave "statements" to "detectives" in "Oklahoma" (**VPO Transcript, p. 27**). The State knew this testimony was false and used it anyway, a violation of *Napue v. Illinois* that mandates reversal.

## **Conclusion and Prayer for Relief**

This conviction is a stain on the Oklahoma justice system. It is the result of a coordinated failure at every level, where the pursuit of a conviction trampled the pursuit of truth. I was denied a competent investigation, a fair trial, and effective counsel. I was convicted on the word of an impeached witness, based on a void charging document, after a trial poisoned by perjury and prosecutorial rage.

I am an innocent man. The record proves it. The law demands my exoneration.

**WHEREFORE**, Petitioner Dallas Christopher Norton, an innocent man wrongfully convicted, respectfully prays this Court:

1. **VACATE** the conviction and sentence entered in CF-2019-1273 as void;
2. **DISMISS** all charges with prejudice;
3. **ORDER** Petitioner's immediate release from custody;
4. And grant all such further relief this Court deems just and proper under 22 O.S. § 1080 and the United States and Oklahoma Constitutions.