

**FILED**  
IN THE DISTRICT COURT  
JUN 22 2017  
POTTAWATOMIE COUNTY, OK  
VALERIE UELTZEN, COURT CLERK  
BY \_\_\_\_\_ DEPUTY

IN THE DISTRICT COURT OF POTTAWATOMI COUNTY  
STATE OF OKLAHOMA

TONDALO HALL, )  
Petitioner, )  
 )  
vs. )  
 )  
DEBBIE ALDRIDGE, )  
in her official capacity as Warden )  
of the Mabel Bassett Corr. Facility )  
Respondent. )

Case No. CV-17-07  
Judge: Caravan

**PETITION FOR WRIT OF HABEAS CORPUS**

COMES NOW, Tondalo Hall, Petitioner herein, by and through her counsel of record, Brady R. Henderson of the American Civil Liberties Union of Oklahoma Foundation, and petitions this honorable court for a writ of Habeas Corpus, pursuant to Rule 10.6 of the Rules of the Oklahoma Court of Criminal Appeals and 12 O.S. §§1331-1335. In support of her Petition, Ms. Hall alleges the following:

**Parties, Jurisdiction, and Venue**

1. Petitioner Tondalo Hall is a natural person and citizen of Oklahoma.
2. Ms. Hall is incarcerated in the Mabel Bassett Correctional Institution, an all-female Oklahoma Department of Corrections prison facility administered by Respondent in her official capacity as Warden of said facility.
3. The Mabel Bassett Correctional Institution is located within the bounds of Pottawatomie County, Oklahoma, vesting jurisdiction and venue in this Court for

purposes of this proceeding. See Rule 10.6(C)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. 2003.

4. Ms. Hall's has been incarcerated under the care and custody of the Oklahoma Department of Corrections since February 22, 2007, and has been incarcerated continuously by the State of Oklahoma since on or about November 12, 2004.
5. Ms. Hall's incarceration is authorized solely by her sentence to a total of thirty (30) years incarceration for failure to prevent acts of physical child abuse committed against two of her children, handed down in Oklahoma County Case CF-2004-6403. She has no other known holds, warrants, or current sentences.
6. This sentence was imposed by the District Court of Oklahoma County, in CF-2004-6403, on December 20, 2006, and is in the form of four fifteen (15) year terms served two at a time consecutively, all for the offense of "permitting child abuse" in violation of 10 O.S. §7115.<sup>1</sup> See Exhibit 1, Judgment and Sentence for Tondalo Hall in CF-2004-6403, filed therein on December 26, 2006.
7. A certified copy of Ms. Hall's Judgment and Sentence is attached pursuant to the requirements of Rule 10.6(C)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. 2003.
8. Ms. Hall's sentence falls within the scope of 21 O.S. §13.1, which mandates that any person convicted of "Any crime against a child provided for in Section 843.5

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<sup>1</sup> This statute was renumbered as 21 O.S. §843.5 in 2009.

<sup>2</sup> Since the time of Ms. Hall's conviction, when 10 O.S. §7115 was renumbered as 21 O.S. §843.5, the 85% crime statute, 21 O.S. §13.1, also was amended to reflect this change. At the time of Ms. Hall's conviction, the pertinent part of that statute stated, "Any crime against a child provided for in Section 7115 of Title 10 of the Oklahoma Statutes."

of this title” serve at least 85% of his or her sentence before being eligible for release or parole.<sup>2</sup>

9. Based on the above application of the 85% requirement, Ms. Hall’s first opportunity for parole or release on discharge will not come until approximately the year 2031, after she will have served more than 25 calendar years in prison.

### **The Background of Petitioner’s Offense**

10. The child abuse acts for which Ms. Hall is incarcerated were committed solely by her co-defendant and former boyfriend, Robert Braxton, Jr..
11. Mr. Braxton abused the couple’s two children during the Fall of 2004, according to the State of Oklahoma.
12. The child abuse victims were the children of Ms. Hall and Mr. Braxton, who were living together domestically but not married, and the children were, at the time of Braxton’s abuse, an infant and a toddler, respectively.
13. Braxton’s physical abuse of the couple’s children was sufficiently violent to break one child’s ribs and the other’s femur.
14. Ms. Hall was not found to have participated affirmatively in Braxton’s acts, solicited them, or conspired to commit them.

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<sup>2</sup> Since the time of Ms. Hall’s conviction, when 10 O.S. §7115 was renumbered as 21 O.S. §843.5, the 85% crime statute, 21 O.S. §13.1, also was amended to reflect this change. At the time of Ms. Hall’s conviction, the pertinent part of that statute stated, “Any crime against a child provided for in Section 7115 of Title 10 of the Oklahoma Statutes.”

15. Ms. Hall was not present during Braxton's abuse of the children to observe his actions directly.
16. Ms. Hall was present in the couple's apartment outside the room during instances of what she suspects was physical abuse. She heard screaming and crying, but when she questioned Braxton about it, he denied any abusive actions.
17. Braxton's physical abuse of the children was discovered when Ms. Hall took one of the children to the hospital over Braxton's objections, due to worsening symptoms of injury, such as swelling, redness, and pain.
18. Upon the medical staff's discovery of Braxton's abuse, the children were placed into Department of Human Services custody and both Ms. Hall and Mr. Braxton later arrested on suspicion of child abuse.
19. Prior to committing child abuse against his own children, Braxton engaged in a pattern of both physical and emotional abuse of Ms. Hall, which included, *inter alia*, assault, strangulation, threats of physical harm to her and the children, and threats to utilize alleged family contacts within the Department of Human Services to sever Ms. Hall from their children should she attempt to leave Braxton, report his abuse, or otherwise limit his access to her or the children.
20. By the time of the couple's arrest, Braxton had succeeded in isolating Ms. Hall from most family and community resources available to her. She had previously dropped out of high school, and had no means of her own to secure and maintain a safe and comfortable residence for her children.

21. Despite this, in the months prior to the couple's arrest, Hall had hoarded and hidden multiple miscellaneous checks rather than cashing or depositing them, in order to have the capability to scrape together minimal money necessary to enable her to leave Braxton without his finding out in advance.
22. Only days prior to taking her injured child to the hospital, Hall had succeeded in securing the help of her adoptive father to look for an house for rent where she and her children could escape Braxton.
23. Following his commission of child abuse and the couple's arrest, Braxton continued to use emotional manipulation and mental abuse in order to dissuade Ms. Hall from giving candid and inculpatory testimony in his case.
24. The State of Oklahoma both failed to protect her from this abuse and facilitated it by allowing Braxton to be alone in an interrogation room with Ms. Hall, where he implored her to keep quiet and protect him, then later by transporting Braxton and Ms. Hall together from the jail to the courthouse, during which Braxton verbally abused her.
25. During the Oklahoma City Police Department's initial investigation of the case, Hall attempted to take responsibility for the children's injuries.
26. Hall's false confession to injuring the couple's children ultimately was not successful. Hall was initially charged in the alternative with counts of both committing child abuse and permitting it, but the former were later dropped by the State.

27. Following the filing of charges against Braxton and Hall, bond was set at \$40,000 for each. There is no record of the Oklahoma County Court being presented with any evidence demonstrating any flight risk, nor was any such finding made to support this determination of bond. It was not challenged and remained as initially set for the duration of the case.
28. The case against Hall and Braxton was pending for over two full years, being filed on November 29, 2004, and not completed until December 2006. Unable to post her bond, Ms. Hall remained in custody in the Oklahoma County Jail for the entire duration of the case.
29. During the pendency of the action, Ms. Hall was represented by three different court-appointed attorneys. The last of which, Bill Smith, did little to no investigation or consultation with Ms. Hall.
30. Defendant Braxton elected to take the case against him to jury trial, while Ms. Hall entered a plea of guilty. She entered the plea on or about October 16, 2006, without any plea deal or agreement, and sentencing was set for December 20, 2006.
31. Braxton's jury trial commenced on December 4, 2006. Ms. Hall was one of the State's witnesses, being set to testify on December 7, 2006.
32. Prior to Hall's testimony, the prosecutor, Angela Marsee, became aware of prior domestic violence committed by Braxton and sought to introduce evidence of the same at trial.

33. For reasons unknown to Petitioner, Marsee neglected to file a Burke's Notice as required by law before such evidence can be introduced. As Ms. Hall was testifying concerning Braxton's physical abuse, specifically concerning his attempt to strangle her on a couch in the couple's apartment while she was pregnant, the Court sustained objections by Braxton's defense counsel and barred Ms. Hall from testifying further about the abuse. *See* Exhibit 4, Transcript of Jury Trial Proceedings (Testimony of Tondalo Hall Only), at 19-23.
34. The record reflects that the Court sustained several other objections to Marsee's questions. However, no objection was made as to the sufficiency of any response by Ms. Hall. At no time during the testimony did the Court or any other party in the courtroom accuse Ms. Hall of failing to cooperate or to answer any question truthfully. At no time was Ms. Hall threatened with or cited for any sort of contempt, nor was she admonished at any time for any inappropriate behavior or deficient testimony of any kind. *See* Exhibit 4, *supra*.
35. At the conclusion of Ms. Hall's direct testimony, a recess was held. Exhibit 4, at 49. During that recess, Marsee approached counsel for Mr. Braxton and made a deal whereby Braxton would enter a plea in exchange for immediate release to probation and the dismissal of two of the counts against him.
36. Due to this agreement, the jury trial in progress was terminated, and Ms. Hall was asked for no further testimony. During this time, Ms. Hall was kept in a courthouse holding cell. She was not informed of Braxton's plea or sentencing.

## **The Sentences Allowing the Abuser to Walk Free while Petitioner remains Imprisoned**

37. Pursuant to his plea agreement, Mr. Braxton was convicted of perpetrating the actual physical abuse of the couple's children, and was sentenced to eight years of probation following time already served awaiting trial. His order of release was effective the day he made his plea. *See* Exhibit 2, Judgment and Sentence for Robert Braxton, Jr. in CF-2004-6403, filed therein on December 8, 2006.
38. On December 16, 2006, nine days after Braxton was released, Ms. Hall appeared before Judge Elliot for her sentencing following her plea entered three months earlier in October.
39. At the time of Ms. Hall's sentencing, a Pre-sentence Investigation report had been completed and DHS had a re-unification plan ready in the assumption that Ms. Hall would receive probation.
40. The Court took no testimony on, and made no findings of, any aggravating factors in Ms. Hall's case. *See* Exhibit 3, Transcript of Formal Sentencing after Previous Plea of Guilty.
41. The Court took no testimony or evidence of any kind relating to Ms. Hall's sentencing, relying instead entirely on the argument of prosecutor Angela Marsee and court-appointed defense counsel Bill Smith.
42. In her arguments to the Court, Angela Marsee blamed Ms. Hall for Marsee's failure to secure a greater sentence for Braxton, stating, *inter alia*:



...the case against [Braxton] fell apart in part because of her minimizing and denying what happened in that household...He definitely should have received a more significant sentence, but because of her minimizing and continuing to protect herself and protect him, that had a real impact on what we were able to do with him in the jury trial.

Exhibit 3, *supra*, at 11.

43. No evidence was presented by Marsee in support of these accusations.
44. During these arguments, Marsee did not discuss or reference her own failure to file a Burke's Notice or for the State to take the most basic precautions and techniques to enable Ms. Hall to testify candidly about the conduct of her abuser, such as limiting his access to her before or during the proceedings, or providing any counseling or victim services of any kind whatsoever.
45. Following Marsee's accusations, the Court made statements in agreement. Judge Elliot stated, *inter alia*: "I believe [Hall] was less than candid with the Court and the jury. I'm of the opinion, based on her responses, that she was less than truthful at times." Exhibit 3, *supra*, at 13.
46. The record reflects no evidence being reviewed nor any findings adopted in support of these accusations.
47. No formal accusation of perjury or contempt was made, and thus no due process of any kind provided. Instead, the Court characterized its summary conclusion that Hall had failed to be truthful as an "opinion" multiple times, but then used the same effectively as an aggravating factor in arriving at its sentence, without

providing any meaningful notice or opportunity for Hall to defend herself thereon. Exhibit 3, supra, at 12-13.

48. The Court also noted Braxton's impact on Ms. Hall's testimony, stating:

There would be certain questions that would be asked of [Hall] where she would look over at the defendant [Braxton] and make direct eye contact with him prior to her taking a moment or two to respond. That tells me something based on my years of experience. Was she scared of him? Probably.

*Id.*

49. Despite noting Hall's fear of Braxton, the Court declined to inquire further about the impact of domestic abuse on Hall's offense or testimony.
50. Based purportedly at least partially on Marsee's accusations of criminal perjury or contempt, on which no due process was afforded to Ms. Hall, the Court sentenced Hall to a total of thirty years incarceration.
51. Subsequently, Judge Elliot denied Ms. Hall's application to withdraw her guilty plea as well as her later application for post-conviction relief.
52. Judge Elliot's actions forced DHS and Ms. Hall to abandon reunification plans and make an agreement whereby Ms. Hall had to sign away her parental rights to her children since she is set to be incarcerated until well after the children reach adulthood.


53. The children continue to correspond with Ms. Hall and wish to see her released, as does their custodian. The children do not understand why their mother is in prison for their father's crimes while their father has remained free.

### **Entitlement to Extraordinary Writ**

54. On its face, the length of Ms. Hall's sentence is grossly disproportionate to the derivative offense of which she was convicted, in relation to that of the actual perpetrator, Mr. Braxton. As such, Ms. Hall is being held in violation of the Eighth Amendment to the United States Constitution and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.
55. The use of an unproven allegation of criminal conduct made and adjudicated without procedural due process to enhance Ms. Hall's sentence renders such sentence in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution as well as Article 2, Section 7 of the Oklahoma Constitution.
56. The Court's failure to give any mitigating consideration or inquire into the impact of domestic abuse on Ms. Hall's degree of culpability further renders her grossly excessive sentence in violation of the Eighth Amendment to the United States Constitution and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.
57. Ms. Hall has exhausted her remedies on both direct appeal and post-conviction relief, as required by Rule 10.6(C), of the *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. 2003.

WHEREFORE, premises considered, Petitioner prays this Honorable Court find her incarceration to be unlawful and grant her request for release via a Writ of Habeas Corpus. Petitioner reserves the right to supplement and/or amend this pleading if necessary to conform to any subsequently ascertained evidence.

Respectfully Submitted,



Brady R. Henderson, OBA#21212

ACLU of Oklahoma Foundation

3000 Paseo Drive

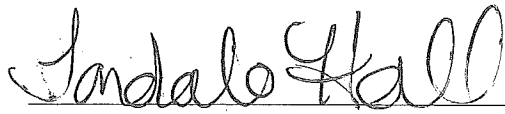
Oklahoma City, OK 73103

(405) 524-8511, (405) 524-2296 (fax)

*Attorney for Petitioner Tondalo Hall, signed on her behalf.*

VERIFICATION

I have reviewed the contents of this Petition for Writ of Habeas Corpus. The facts presented in it are true and correct to the best of my knowledge and belief.

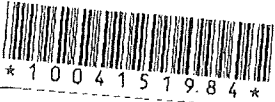


Tondalo Hall



Date





IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
OKLAHOMA COUNTY, OKLA.  
THE STATE OF OKLAHOMA

DEC 26 2006

*[Signature]* CLERK

THE STATE OF OKLAHOMA,

Plaintiff,

v.

TONDALO ROCHELLE HALL,

Defendant.

NO: CF-04-6403

SSN: 446-11-1556

DOB: 03-10-1984

JUDGMENT AND SENTENCE

Now, on this 20<sup>th</sup> day of December 2006, this matter comes on before the undersigned Judge, for sentencing and the Defendant Tondalo Rochelle Hall, appears personally and by attorney Bill Smith, the State of Oklahoma represented by Angela Marsee and the defendant, having previously entered plea of guilty to the crimes of:

- Count 1: Permitting child abuse 10 O.S. § 7115
- Count 3: Permitting child abuse 10 O.S. § 7115
- Count 5: Permitting child abuse 10 O.S. § 7115
- Count 7: Permitting child abuse 10 O.S. § 7115

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the Defendant, Tondalo Rochelle Hall, is guilty of the above described offense and is sentenced as follows:

TERM OF IMPRISONMENT

- Count 1: Fifteen (15) years to serve in the custody of the Department of Corrections.
- Count 3: Fifteen (15) years to serve in the custody of the Department of Corrections.
- Count 5: Fifteen (15) years to serve in the custody of the Department of Corrections.
- Count 7: Fifteen (15) years to serve in the custody of the Department of Corrections.

Counts 1 and 3 to run concurrently with each other but consecutively to counts 5 and 7, Counts 5 and 7 to run concurrently with each other but consecutively with counts 1 and 3. (30 year total).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that in addition to the preceding terms, the defendant is also sentenced as follows:

COSTS, VCA, RESTITUTION

The Defendant shall pay cost, fees and restitution in accordance with the schedule attached as Exhibit A.

The defendant shall pay actual court cost as determined by the Oklahoma County Court Clerk.

The defendant shall pay VCA in the amount of \$200.00.

COURT APPOINTED ATTORNEY FEES


The defendant shall pay a Court appointed attorney fee in the amount of \$175.00.

IT IS FURTHER ORDERED that judgment is hereby entered against the Defendant as to the fines, costs and assessments set forth above.

The Court further advised the Defendant of his rights and procedure to appeal to the Court of Criminal Appeals of the State of Oklahoma, and that if he desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State subject to reimbursement of the cost of representation in accordance with Sec. 1355.14 of Title 22.


In the event the above sentence is for incarceration in the Department of Corrections, the Sheriff of Oklahoma County, Oklahoma, is ordered and directed to deliver the Defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the Defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the Defendant as herein before provided. The Sheriff to make due return to the Clerk of this Court, with his proceedings endorsed thereon.

Witness my hand the day and year first above mentioned.

  
\_\_\_\_\_  
Ray C. Elliott  
JUDGE OF THE DISTRICT COURT

(SEAL)

ATTEST: PATRICIA PRESLEY, Court Clerk

  
\_\_\_\_\_  
Deputy Clerk

CERTIFIED COPY  
AS FILED OF RECORD  
IN DISTRICT COURT

NOV 28 2016

RICK WARREN COURT CLERK  
Oklahoma County  




CLERK'S CERTIFICATION OF COPIES

I, Patricia Presley, Clerk of the District Court of Oklahoma County, State of Oklahoma, do hereby certify the foregoing to be true, correct, full and complete copy of the original Judgment and Sentence in the case of the State of Oklahoma vs Tondalo Rochelle Hall, as the same appears of record in my office.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
PATRICIA PRESLEY, Court Clerk

By \_\_\_\_\_  
Deputy Court Clerk

SHERIFF'S RETURN

I received this Judgment and Sentence the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, and executed it by delivering the Defendant to the Warden of the Lexington Assessment and Reception Center at Lexington, Oklahoma, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_. I also certify the above prisoner has served \_\_\_\_\_ days in the County Jail on the present charge or charges.

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy Sheriff

IN THE DISTRICT COURT OF OKLAHOMA COUNTY - STATE OF OKLAHOMA

REV. 04-2000

THE STATE OF OKLAHOMA,  
vs.

Case No. C.F. - 2004 - 6403  
C - \_\_\_\_\_  
C - \_\_\_\_\_  
C - \_\_\_\_\_

Tondabo Rachelle Hall

**SUPPLEMENTAL COURT ORDER: COMMUNITY SERVICE - RESTITUTION - COURT COST**

**SENTENCE:**

- Deferred \_\_\_\_\_ Mos Yrs     Suspended \_\_\_\_\_ Mos Yrs     Time to Serve  
 Supervised     Unsupervised     Supervised until all conditions of Court ordered Probation are fulfilled.

**COMMUNITY SERVICE:**     READMIT

You are ordered to complete \_\_\_\_\_ hours of community service on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

**RESTITUTION:** Case No. C \_\_\_\_\_ Case No. C \_\_\_\_\_

The Defendant is ordered to make Restitution payments in accordance with the terms set out below and imposed by the Court:

Pay full restitution in the amount of \$ \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

OR

Pay restitution installment payments of \$ \_\_\_\_\_ per month, beginning with the first day of \_\_\_\_\_ 20\_\_\_\_\_, and a similar payment of \$ \_\_\_\_\_, on or before the first day of each month thereafter, until the full amount of \$ \_\_\_\_\_ is paid.

The following is a schedule of Recipients(s) owed restitution by the defendant and the amounts due each person:

NAME	ADDRESS	PHONE NO.	AMOUNT
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

NOTICE: RESTITUTION PAYMENTS ARE MADE TO: DEPT. OF CORRECTIONS, 3400 MARTIN LUTHER KING, P O BOX 11381, OKLAHOMA CITY, OK 73111.  
DEFENDANT MUST ADD ONE DOLLAR (\$1.00) TO EACH PAYMENT AS REQUIRED BY LAW.

**COURT COSTS:**

**THE ENTIRE AMOUNT IS DUE TODAY!**

YOU ARE ORDERED TO REPORT TO THE COST ADMINISTRATOR'S OFFICE LOCATED AT ROOM 402 OKLAHOMA COUNTY OFFICE BUILDING, 321 ROBERT S. KERR, OKLAHOMA CITY OKLAHOMA 73102. YOU MUST REPORT WITHIN ONE (1) BUSINESS DAY AFTER YOUR RELEASE. FAILURE TO DO SO WILL RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST.

Dated this 20<sup>th</sup> day of December 2006

[Signature]  
Assistant District Attorney

[Signature]  
District Judge

Attorney for the Defendant Bill Smith 501# 15845

Tondabo Rachelle Hall  
Defendant

[Signature]  
Deputy Court Clerk





FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
THE STATE OF OKLAHOMA

DEC 08 2006

PATRICIA PRESLEY, CLERK  
by [Signature]  
Deputy

THE STATE OF OKLAHOMA,

Plaintiff,

NO: CF-04-6403

v.

SSN: 441-82-5630

ROBERT BRAXTON JR.,

DOB: 02-21-1982

Defendant.

JUDGMENT AND SENTENCE

Now, on this 7<sup>th</sup> day of December 2006, this matter comes on before the undersigned Judge, for sentencing and the Defendant Robert Braxton Jr., appears personally and by attorney Bert Richard, the State of Oklahoma represented by Angela Marsee and the defendant, having previously entered plea of guilty to the crimes of:

Count 6: Child abuse 10 O.S. § 7115

Count 8: Child abuse 10 O.S. § 7115

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the Defendant, Robert Braxton Jr., is guilty of the above described offense and is sentenced as follows:

TERMS OF IMPRISONMENT WITH EXECUTION OF SENTENCE SUSPENDED IN PART

Count 6: Ten (10) years suspended sentence except for two (2) years to serve in the custody of the Department of Corrections.

Count 8: Ten (10) years suspended sentence except for two (2) years to serve in the custody of the Department of Corrections.

The sentence shall run concurrently with each other with credit for time served.

The two (2) years sentence is satisfied by time served in the Oklahoma County Jail, Defendant is released to the suspended portion of his sentence by agreement of all parties.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that in addition to the preceding terms, the defendant is also sentenced as follows:

COSTS, VCA, RESTITUTION

The Defendant shall pay cost, fees and restitution in accordance with the schedule attached as Exhibit A.

The defendant shall pay actual court cost as determined by the Oklahoma County Court Clerk.

The defendant shall pay VCA in the amount of \$100.00.

COURT APPOINTED ATTORNEY FEES

The defendant shall pay a Court appointed attorney fee in the amount of \$175.00.

RULES AND CONDITIONS OF PROBATION

The rules and conditions of probation as ordered by the court and signed by the defendant, acknowledging his understanding of the rules and conditions, are incorporated as Exhibit B.

IT IS FURTHER ORDERED that judgment is hereby entered against the Defendant as to the fines, costs and assessments set forth above.

The Court further advised the Defendant of his rights and procedure to appeal to the Court of Criminal Appeals of the State of Oklahoma, and that if he desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State subject to reimbursement of the cost of representation in accordance with Sec. 1355.14 of Title 22.

In the event the above sentence is for incarceration in the Department of Corrections, the Sheriff of Oklahoma County, Oklahoma, is ordered and directed to deliver the Defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the Defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the Defendant as herein before provided. The Sheriff to make due return to the Clerk of this Court, with his proceedings endorsed thereon.

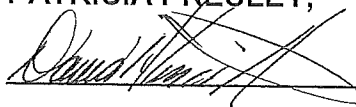
Witness my hand the day and year first above mentioned.

  
RAY G. ELLIOTT

JUDGE OF THE DISTRICT COURT

(SEAL)

ATTEST: PATRICIA PRESLEY, Court Clerk

  
Deputy Clerk

CERTIFIED COPY  
AS FILED OF RECORD  
IN DISTRICT COURT

JUN 23 2016

RICK WARREN COURT CLERK  
Oklahoma County



CLERK'S CERTIFICATION OF COPIES

I, Patricia Presley, Clerk of the District Court of Oklahoma County, State of Oklahoma, do hereby certify the foregoing to be true, correct, full and complete copy of the original Judgment and Sentence in the case of the State of Oklahoma vs Robert Braxton Jr., as the same appears of record in my office.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
PATRICIA PRESLEY, Court Clerk

By \_\_\_\_\_  
Deputy Court Clerk

SHERIFF'S RETURN

I received this Judgment and Sentence the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, and executed it by delivering the Defendant to the Warden of the Lexington Assessment and Reception Center at Lexington, Oklahoma, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_. I also certify the above prisoner has served \_\_\_\_\_ days in the County Jail on the present charge or charges.

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy Sheriff

THE STATE OF OKLAHOMA,  
VS.

) Case No. C F - 04 - 6403  
) C - - -  
) C - - -  
) C - - -

Robert Braxton, Jr

**SUPPLEMENTAL COURT ORDER: COMMUNITY SERVICE - RESTITUTION - COURT COST**

**SENTENCE:**

Deferred \_\_\_\_\_ Mos Yrs     Suspended \_\_\_\_\_ Mos Yrs     Time to Serve  
 Supervised     Unsupervised     Supervised until all conditions of Court ordered Probation are fulfilled.

2 in / 8 out

mwc Hold

**COMMUNITY SERVICE:**     READMIT

You are ordered to complete \_\_\_\_\_ hours of community service on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

**RESTITUTION:** Case No. C \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Case No. C \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

The Defendant is ordered to make Restitution payments in accordance with the terms set out below and imposed by the Court:

Pay full restitution in the amount of \$ \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.  
OR  
 Pay restitution installment payments of \$ \_\_\_\_\_ per month, beginning with the first day of \_\_\_\_\_ 20\_\_\_\_\_, and a similar payment of \$ \_\_\_\_\_, on or before the first day of each month thereafter, until the full amount of \$ \_\_\_\_\_ is paid.

The following is a schedule of Recipients(s) owed restitution by the defendant and the amounts due each person:

NAME	ADDRESS	PHONE NO.	AMOUNT
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

**NOTICE:** RESTITUTION PAYMENTS ARE MADE TO: DEPT. OF CORRECTIONS, ATTN: RESTITUTION, P O BOX 11400, OKLAHOMA CITY, OK 73136. DEFENDANT MUST ADD ONE DOLLAR (\$1.00) TO EACH PAYMENT AS REQUIRED BY LAW.

**COURT COSTS:**

**THE ENTIRE AMOUNT IS DUE TODAY!**

YOU ARE ORDERED TO REPORT TO THE COST ADMINISTRATOR'S OFFICE LOCATED AT ROOM 421 OKLAHOMA COUNTY OFFICE BUILDING, 321 ROBERT S. KERR, OKLAHOMA CITY OKLAHOMA 73102. YOU MUST REPORT WITHIN ONE (1) BUSINESS DAY AFTER YOUR RELEASE. FAILURE TO DO SO WILL RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST.

Dated this 7<sup>th</sup> day of December 2006

[Signature]  
Assistant District Attorney

[Signature]  
Attorney for the Defendant

[Signature]  
Defendant

[Signature]  
District Judge

[Signature]  
Deputy Court Clerk

WHITE: COURT    GREEN: COST ADMINISTRATOR    YELLOW: DISTRICT ATTORNEY    PINK: DEPARTMENT OF CORRECTIONS    GOLD: DEFENDANT

IN THE DISTRICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA  
SUPPLEMENTAL ORDER OF THE COURT

DEFENDANT: Robert Braxton, Jr.

CASE NO: CF- 04-6403

DATE OF SENTENCE: 12/7/06

CASE NO: CF- \_\_\_\_\_

TYPE OF SENTENCE: 2 in / 8 out

CASE NO: CF- \_\_\_\_\_

**RULES AND CONDITIONS OF SUPERVISED PROBATION**

- 1 I WILL REPORT IN PERSON OR AS DIRECTED BY THE PROBATION OFFICER.
- 2 I WILL NOT LEAVE THE STATE OF OKLAHOMA WITHOUT RECEIVING WRITTEN PERMISSION OF THE PROBATION OFFICER OR THE JUDGE. I WILL ALLOW THE PROBATION OFFICER TO VISIT ME AT MY HOME, EMPLOYMENT OR ELSEWHERE.
- 3 I WILL NOT VIOLATE ANY CITY, STATE, FEDERAL OR TRIBAL JURISDICTION LAWS AND I WILL ADVISE MY PROBATION OFFICER WITHIN 72 HOURS IF I AM QUESTIONED OR ARRESTED BY ANY LAW ENFORCEMENT AGENCY.
- 4 I WILL NOT ILLEGALLY POSSESS MARIJUANA OR ANY OTHER ILLEGAL NARCOTIC DRUG.
- 5 I WILL NOT ASSOCIATE WITH CONVICTED FELONS UNLESS THEY ARE FAMILY MEMBERS AND WILL NOTIFY THE PROBATION OFFICER ABOUT THE FAMILY MEMBER. IT IS MY RESPONSIBILITY TO KNOW WHETHER AN ASSOCIATE HAS A CRIMINAL RECORD.
- 6 I WILL NOT CHANGE ADDRESS WITHOUT NOTIFYING MY PROBATION OFFICER.
- 7 I WILL PROMPTLY AND TRUTHFULLY ANSWER ALL INQUIRIES MADE TO ME BY THE DEPARTMENT OF CORRECTIONS OR OTHER LAW ENFORCEMENT PERSONNEL.
- 8 I WILL NOT CARRY ANY CONCEALED WEAPON OF ANY TYPE.
- 9 I WILL NOT POSSESS OR HAVE IN MY IMMEDIATE CONTROL ANY FIREARM NOR RIDE IN A VEHICLE THAT HAS A FIREARM IN IT.
- 10 I UNDERSTAND I WILL BE SUPERVISED UNLESS RELEASED BY THE DEPARTMENT OF CORRECTIONS OR THE COURT.
- 11 I UNDERSTAND THAT MY PERSON, MY VEHICLE OR PROPERTY UNDER MY CONTROL ARE SUBJECT TO SEARCH WITHIN THE POLICY OF THE DEPARTMENT OF CORRECTIONS.
- 12 I WILL PAY A SUPERVISION FEE AS DETERMINED BY THE DEPARTMENT OF CORRECTIONS AND WILL PAY THE FEE BY MONEY ORDER, CASHIERS CHECK OR ELECTRONIC TRANSFER. A SERVICE FEE MAY BE CHARGED ABOVE AND BEYOND THE PROBATION FEE. ANY FULL OR PARTIAL WAIVER WILL BE MADE BY THE DEPARTMENT OF CORRECTIONS.
- 13 I WILL MAINTAIN LEGAL AND GAINFUL EMPLOYMENT AND SUPPLY WRITTEN VERIFICATION. I WILL NOTIFY MY PROBATION OFFICER IF I CHANGE JOBS WITHIN 72 HOURS.
- 14 I UNDERSTAND THAT CERTAIN VIOLATIONS MAY RESULT IN THE IMPOSITION OF ADDITIONAL SANCTIONS OR REVOCATION OR ACCELERATION OF MY SENTENCE.

SPECIAL CONDITIONS:

- A PAY RESTITUTION PER THE SEPARATE SCHEDULE
- B PERFORM COMMUNITY SERVICE PER THE SEPARATE SCHEDULE
- C TRANSFER TO THE STATE OF \_\_\_\_\_ AFTER COMPLETION OF INTAKE BY THE PROBATION OFFICE
- D BE ASSESSED FOR ALCOHOL/DRUG TREATMENT AND THEN COMPLETE ANY TREATMENT AS DIRECTED BY THE DEPARTMENT OF CORRECTIONS AND PROVIDE WRITTEN PROOF
- E ATTEND PSYCHIATRIC COUNSELING AS DIRECTED BY THE DEPARTMENT OF CORRECTIONS AND PROVIDE WRITTEN PROOF
- F ATTEND SEX OFFENDER COUNSELING AS DIRECTED BY THE DEPARTMENT OF CORRECTIONS AND PROVIDE WRITTEN PROOF
- G ATTEND DUI EDUCATION IF AND PROVIDE WRITTEN PROOF AS DIRECTED.
- H ATTEND VICTIM IMPACT PANEL OR OTHER PROGRAM AS DIRECTED BY THE COURT
- I COMPLETE GED OR JOB SKILLS TRAINING
- J ATTEND R.I.D. AFTERCARE
- K I WILL NOT POSSESS OR CONSUME ALCOHOL OR ILLEGAL NARCOTICS NOR VISIT PLACES WHERE THEY ARE DISPENSED, USED OR SOLD. I WILL NOT GO PLACES WHERE THE MAIN ITEM FOR SALE OR USE IS ALCOHOL OR ILLEGAL NARCOTICS.
- L OTHER comply w/ any DHS/Juvenile court conditions

Robert Braxton, Jr.  
DEFENDANT

7<sup>th</sup> DAY OF December, 2006

[Signature]  
ATTORNEY FOR DEFENDANT

[Signature]  
JUDGE OF THE DISTRICT COURT

[Signature]  
DISTRICT ATTORNEY

WHITE: COURT    YELLOW: DISTRICT ATTORNEY    PINK: DEPARTMENT OF CORRECTIONS    GOLD: DEFENDANT





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IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, )  
 )  
 Plaintiff, )  
 )  
 VS ) CASE NO. CF-2004-6403  
 )  
 TONDALO ROCHELLE HALL, )  
 )  
 Defendant. )

**COPY**

TRANSCRIPT OF FORMAL SENTENCING  
AFTER PREVIOUS PLEA OF GUILTY  
HAD ON THE 20TH DAY OF DECEMBER, 2006  
BEFORE THE  
HONORABLE RAY C. ELLIOTT  
DISTRICT JUDGE

APPEARANCES:

MS. ANGELA MARSEE, Assistant District Attorney,  
Oklahoma County District Attorney's Office, 320 Robert  
S. Kerr, 505 County Office Building, Oklahoma City,  
Oklahoma, appearing on behalf of the State of Oklahoma

MR. BILL SMITH, Attorney at law, Oklahoma City,  
Oklahoma, appearing on behalf of the defendant, Tondelo  
Rochelle Hall

REPORTED BY:

Marla J. Cullison, RPR, Official Court Reporter,  
Oklahoma County Courthouse, Oklahoma City, Oklahoma

1 (On December 20, 2006, the following proceedings  
2 were had in open court:)

3 THE COURT: This is Case Number CF-04-6403,  
4 State of Oklahoma versus Tondalo Rochelle Hall. Ms. Hall  
5 is present in person with counsel, State by counsel.  
6 Comes on this date, Wednesday, December 20, 2006, for  
7 formal sentencing after previous plea of guilty.

8 Would you raise your right hand, please, ma'am.

9 (The defendant was duly sworn and testified as  
10 follows:)

11 THE COURT: Put your hand down. State your full  
12 name.

13 THE DEFENDANT: Tondalo Rochelle Hall.

14 THE COURT: Social Security Number?

15 THE DEFENDANT: 446-11-1556.

16 THE COURT: Date of birth?

17 THE DEFENDANT: 3/10/84.

18 THE COURT: Mr. Smith, who is standing to your  
19 right, is your attorney?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you taking any kind of  
22 medication today?

23 THE DEFENDANT: Asthma medicine.

24 THE COURT: Does it affect your ability to  
25 understand what is going on today?

1 THE DEFENDANT: No, sir.

2 THE COURT: Have you been prescribed any  
3 medications that you should be taking but that you're not  
4 taking at this time?

5 THE DEFENDANT: No, sir.

6 THE COURT: Have you ever been treated by a  
7 doctor or health professional for mental illness or  
8 confined in a hospital for mental illness since your  
9 original plea of guilty back in October of '06?

10 THE DEFENDANT: No, sir.

11 THE COURT: Mr. Smith, do you have any reason to  
12 believe your client is not mentally competent to  
13 appreciate and understand the nature, purpose and  
14 consequences of this proceeding, and to assist you in  
15 presenting any evidence she may have at this sentencing?

16 MR. SMITH: No, Your Honor.

17 THE COURT: Ms. Hall, have you and your lawyer  
18 seen a copy of the presentence report?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: The Court has also received the  
21 presentence report. I have read it. Mr. Smith, do you  
22 or Ms. Marsee have any disagreement with any of the facts  
23 as contained in the report?

24 MS. MARSEE: No, Judge.

25 MR. SMITH: No, Your Honor.

1 THE COURT: Ms. Hall, do you or you, Mr. Smith,  
2 have anything more to say, or do you know of any legal  
3 reason at this point why you should not be sentenced?  
4 I'll give you a chance to argue here in a moment.

5 MR. SMITH: Yes, only argument.

6 THE COURT: On October 16, 2006, you entered  
7 pleas of guilty to this Court to Count 1, permitting  
8 child abuse. You were told it carried up to life in  
9 prison and/or up to a year in the county jail and/or a  
10 fine of \$500 to \$5,000. Count 3, five and seven, same  
11 allegations, the same potential punishments. Do you  
12 recall that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand that I may  
15 sentence you today to a term of imprisonment within those  
16 limits?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Were you also told that a victim  
19 compensation assessment and other court costs and fees  
20 would and could be imposed?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: The Court makes the following  
23 findings. The defendant is mentally competent to  
24 understand and appreciate the nature, purpose and  
25 consequences of this proceeding. I'll hear from the

1 state first prior to sentencing.

2 MS. MARSEE: Your Honor, the recommendation in  
3 this case has always been life for both of the defendants  
4 in this case. This defendant in particular pled guilty.  
5 As this Court is aware, she was charged with child abuse,  
6 or in the alternative, permitting child abuse as to the  
7 incidents which occurred on her two separate children.

8 What we have here in this case, and the victims  
9 in this case are her 20-month-old child, Robert, also  
10 known as Scooty, who had 12 rib fractures that were  
11 consistent with being squeezed with a compression force,  
12 and a femur fracture. The rib fractures on Robert were  
13 10 to 14 days old, at least, and the femur fracture was  
14 dated by the doctors to be acute, which was less than  
15 seven days old.

16 We also have this defendant's two-and-a-half-  
17 month-old child, who had seven rib fractures, which were  
18 also consistent with being the squeezing motion, a femur  
19 fracture, and of all things, a toe fracture.

20 You heard part of this case when you heard --  
21 when we did the jury trial on the co-defendant in this  
22 case, Robert Louis Braxton, Jr., and you actually heard  
23 this defendant testify during that trial. It is my  
24 belief that -- I have a hard time with this case because  
25 this defendant has pled guilty to this Court, and I

1 thought she was trying to do the right thing, and to tell  
2 us what she knew about what happened in that household,  
3 and I don't believe that she did that. I believe that  
4 she is continuing to minimize what she saw, what she knew  
5 was going on with her children. She had to know that  
6 those babies were hurting. She's the one who washed  
7 them, fed them, clothed them, changed their diapers, and  
8 she wants us to believe that she had no idea that they  
9 were hurting and that they were in pain.

10 I believe that she's still protecting herself,  
11 and I believe that, based on her testimony in this  
12 courtroom, she is still protecting the co-defendant in  
13 this case. So I've really struggled with this case and  
14 what the right thing to do is.

15 This defendant, I fully believe, based on the  
16 evidence, because, you know, the original story that was  
17 given to the doctors when she took the 20-month-old to  
18 the hospital, was that the five-year-old had jumped off  
19 the bed and broken the leg of the 20-month-old. And the  
20 medical evidence was not consistent with that. And then  
21 when you couple that with the fact that this child also  
22 had the rib fractures, and the other child had the  
23 multiple broken bones, it just wasn't consistent with  
24 some type of accidental trauma.

25 And then you also add that to the fact that

1 during his forensic interview, the five-year-old said  
2 that his mother is the one who told him that he broke his  
3 brother's leg. And to this day, that five-year-old still  
4 believes that he broke his brother's leg, because that's  
5 what his mother told him.

6 This defendant has not chosen her kids and has  
7 not done the things that she needs to do to protect her  
8 kids. I thought she was starting down the right road,  
9 and I just don't believe that she has completely done  
10 that, and I don't believe that she has told us what she  
11 knows. So I believe that she is continuing to choose  
12 herself and the co-defendant over her kids.

13 You know, one of the things she said she was  
14 afraid of, and why she didn't take her children, her  
15 child to the hospital was because she didn't want them to  
16 be taken away by DHS. And I guess in her mind it was  
17 better for these kids to be abused than it was for them  
18 to be taken away by DHS. And I think that to allow her  
19 children to stay in that situation when she knew, or  
20 should have known at the very least, what was going on,  
21 she is just as guilty of doing the crimes herself.

22 So she should spend a significant part of the  
23 rest of her life in prison for what she did to these  
24 children. She's their mother. She's responsible for  
25 them. She is the one person in this world who should be



1 standing up for them and taking up for them and making  
2 sure that they are loved and they are cared for, and she  
3 did not do that. They were in harm's way because of what  
4 she did, and they were in pain because of what she didn't  
5 do, and she should pay for that.

6 THE COURT: Mr. Smith.

7 MR. SMITH: Your Honor, you have before you a  
8 young lady who is now 22 years old, at the time of her  
9 arrest was only 20 years old. You have before you  
10 Tondalo Hall, who the PSI reflects has had no contacts at  
11 all, no criminal record as an adult, no record as a  
12 juvenile, not even a traffic ticket. And but for her  
13 choosing unwisely a relationship with Robert Braxton, she  
14 would not be standing before you.

15 I disagree with what Counsel said about her.  
16 She cares about those kids. She was the one that took  
17 them to the hospital. She's 20 years old, she's got kids  
18 that are hurting, she's scared. Now, not all of us have  
19 the benefit of education, or the upbringing from a solid  
20 family relationship. Tondalo Hall did not. She was  
21 raised by step-parents. And I would ask the Court to  
22 take that into account. It's not an excuse, but it might  
23 be somewhat of an explanation and somewhat mitigating.

24 She made the wrong choices, maybe she didn't  
25 have the resources herself to make the right choices at

1 that time. But she did take the children to the  
2 hospital, and that's when all of these things started to  
3 happen, when she's interrogated by DHS and the police.  
4 She's 20 years old. She's faced with accusations. She  
5 tells -- she does not tell the truth to the police, but  
6 she's a young person who has never been in trouble,  
7 never. Not even a traffic ticket. And if she hadn't  
8 been with Robert Braxton and made some bad choices, she  
9 would not be before you.

10 Your Honor, this Court is well aware that Robert  
11 Braxton got sentenced to a split sentence of two in with  
12 credit for time served and eight on probation. And I'm  
13 asking the Court to do the same for Tondalo Hall. What  
14 Tondalo Hall needs is -- and it's reflected in the PSI --  
15 she needs employment, education, and family.

16 The third part of what she needs is present here  
17 in the courtroom. They've waited a long time and I'm not  
18 going to call any of them, but if Richard Anderson would  
19 move out of the way, Lela Red, stand up, Ms. Red. That  
20 is her aunt. Her cousin, Maria Jackson, is here. A  
21 friend, Tanisha Smith. Her dad, Wazelle Hall. And  
22 Pastor Chester West, who has provided me a letter I  
23 have. It's a short letter, Your Honor. They are here  
24 supporting her. She has the support, if the Court would  
25 grant her a second chance and grant her probation.

1           This is not a young lady that needs to be  
2 incarcerated. It's a young lady that deserves a second  
3 chance. She has family here that support her. Cynthia  
4 Wells could not be here because Cynthia Wells is her  
5 foster mother who is taking care of Ukiah and Scooty,  
6 Robert, III.

7           What happened to those children is terrible.  
8 The PSI reflects statistics and the victim's version that  
9 are alarming. But Tondalo Hall does not need further  
10 incarceration.

11           Your Honor, I looked into sending her to what  
12 used to be the FORT Program, RTP, they wouldn't accept  
13 her because of the nature of her charges. She has spent  
14 two -- over two years now in county jail, day-for-day,  
15 and that's hard time. She is remorseful. She has family  
16 to support her. She would go live with her dad, Wazelle  
17 Hall, if she were released.

18           And that's what I'm asking the Court to do. I'm  
19 asking the Court to sentence her to the same sentence  
20 that Robert Braxton was sentenced to that the state  
21 offered, and asking her to be released to probation  
22 today.

23           THE COURT: Last word if you wish.

24           MS. MARSEE: Judge, I would just like to point  
25 out, she didn't take the "kids" to the hospital. She

1 only took one of her children to the hospital, and that  
2 was Robert, and she lied about what caused his injury.

3           Mr. Smith is asking you to do the same for  
4 Tondalo Hall as the co-defendant was given. As this  
5 Court is well aware, the case against the co-defendant  
6 fell apart in part because of her minimizing and denying  
7 what happened in that household. So she shouldn't get  
8 the benefit of that. And so I have a real problem with  
9 putting her in the same shoes as him. He definitely  
10 should have received a more significant sentence, but  
11 because of her minimizing and continuing to protect  
12 herself and protect him, that had a real impact on what  
13 we were able to do with him in the jury trial. So she  
14 should not benefit from that.

15           MR. SMITH: I wouldn't characterize it like  
16 that. I was there to listen to the testimony myself,  
17 Your Honor. I can understand an advocate prosecutor  
18 characterizing it that way. That's not how I would.

19           When she took that stand and had 12 pairs of  
20 strangers staring her down, and she's still a young lady,  
21 that scared her. She made mistakes, terrible mistakes  
22 because she was scared. And she was scared of Robert  
23 Braxton. You heard testimony that the jury was supposed  
24 to disregard about the abusive relationship that she was  
25 in. She was being punished back then as well. And it

1 was a bad choice. There are men out there like that.

2 THE COURT: Well, as both of you have  
3 acknowledged, I heard the testimony presented in the case  
4 up to the point that it was resolved via the plea. I  
5 heard Ms. Hall's testimony. I've been in this business  
6 26 years, and I think over that period of time have been  
7 able to somewhat judge the demeanor and the motives and  
8 the credibility of people when they take the witness  
9 stand. It was part of my job prior to taking the bench,  
10 putting witnesses under oath on the witness stand, and  
11 that is certainly a part of my job since I've taken the  
12 oath to be a judge.

13 I'm of the opinion, based on my experience and  
14 my viewing of Ms. Hall's testimony, her demeanor, her  
15 actions and reactions, including not only her body  
16 language but the tone of her voice, her facial  
17 expressions, and her, what appeared to be lack of candor  
18 on many of the questions, that she was holding back.  
19 Now, was she scared? Sure. I think any time a person  
20 who is in jail comes to court and has to face 12 jurors,  
21 as well as the lawyers and the judge and any other people  
22 that may be in the room, sure, they're scared. So I  
23 weigh that factor, too.

24 But I believe she was less than candid with the  
25 Court and the jury. I'm of the opinion, based on her

1 responses, that she was less than truthful at times.  
2 There would be certain questions that would be asked of  
3 her where she would look over at the defendant and make  
4 direct eye contact with him prior to her taking a moment  
5 or two to respond. That tells me something, based on my  
6 years of experience. Was she scared of him? Probably.  
7 But, again, even weighing that factor into the equation,  
8 I'm of the opinion she was less than candid. I think, in  
9 my opinion, she lied on some issues under oath. That's  
10 just my opinion, which I have a right to have in light of  
11 I'm her sentencing judge.

12 Well, it was very unfortunate what occurred to  
13 those children. You have a responsibility that you  
14 shared with your co-defendant to see that things like  
15 this didn't happen to children. Children and the elderly  
16 are the two people that are most defenseless in this  
17 society that we all have a responsibility as fellow  
18 citizens to protect. You failed in that responsibility,  
19 young lady.

20 You will be sentenced on Count 1, 15 years to  
21 serve. Count 3, 15 years to serve, to run concurrent  
22 with Count 1. You will be ordered to serve 15 years to  
23 serve on Count 5. 15 years to serve on Count 7, to run  
24 concurrent with Count 5, but consecutive to Counts 1 and  
25 3, for a total of 30 years to serve.

1           Also be ordered to pay the actual court cost,  
2 whatever that turns out to be. Victim compensation  
3 assessment of \$200. Court-appointed attorney fee of  
4 \$175. Presentence investigation report fee will be  
5 waived. Incarceration cost fee will be waived.

6           Now, to appeal from this conviction and  
7 sentencing, you must file in the district court clerk's  
8 office a written application to withdraw your pleas of  
9 guilty within ten days from today's date. You must set  
10 forth in detail why you are requesting to withdraw your  
11 pleas. This Court then must hold a hearing and rule upon  
12 your application within 30 days from the date it is  
13 filed. If I deny your application, then you would have  
14 the right to ask the Court of Criminal Appeals to review  
15 this Court's denial by filing a petition for writ of  
16 certiorari within 90 days from the date of denial.

17           Now, Notice of Intent to Appeal, and Designation  
18 of Record must be filed pursuant to the Oklahoma Court of  
19 Criminal Appeals Rules 4.2(d).

20           If you are indigent, you will have the right to  
21 be represented on appeal by a court-appointed attorney.  
22 Do you understand your rights to appeal?

23           THE DEFENDANT: Yes, sir.

24           THE COURT: Do you wish to remain in the  
25 Oklahoma County Jail ten days before being taken to your

1 place of confinement, or would you wish to go as quick as  
2 possible?

3 MR. SMITH: She'll waive that, Your Honor.

4 THE COURT: Do you want to go as quick as you  
5 can?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: I'll state to you for the record  
8 that I've noted that, but in all probability, because the  
9 Department of Corrections refuses, in my opinion, to do  
10 their responsibility and transport prisoners, you'll  
11 probably be over there another 60 to 90 days and let the  
12 County tax payers pay it instead of Department of  
13 Corrections, but that issue is on appeal.

14 Were your answers freely and voluntarily given?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you fully understood all the  
17 questions that I've asked you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: I'm now showing you the form that  
20 I've been reading from, and on the line marked  
21 "defendant," there's a signature. Is that your  
22 signature?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Did you sign that after going over  
25 this form with Mr. Smith?



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THE DEFENDANT: Yes, sir.

THE COURT: Anything else from the state?

MS. MARSEE: No, Your Honor.

THE COURT: Anything else from the defendant?

MR. SMITH: No, Your Honor.

THE COURT: That concludes the record this date.

(End of Proceedings)

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C E R T I F I C A T E

STATE OF OKLAHOMA        )  
                                  )     ss.  
OKLAHOMA COUNTY         )

I, Marla J. Cullison, a Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that this is a true and correct record of the proceedings held in Case Number CF-04-6403 on the 20th day of December, 2006, before the Honorable Ray C. Elliott, District Judge, at the Oklahoma County Courthouse in the City of Oklahoma City, State of Oklahoma.

I further certify that I am not related to nor attorney for any party, and that I am not interested in the result of said cause.

WITNESS MY HAND AND SEAL this 8th day of August, 2016.



Marla Joy Cullison  
State of Oklahoma  
Certified Shorthand Reporter  
CSR # 1647

My Certificate Expires 12-31-16

*Marla J. Cullison, CSR*  
MARLA J. COLLISON, CSR  
Official Court Reporter  
CSR# 01647



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IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, )  
 )  
 Plaintiff, )  
 )  
 VS )  
 )  
 TONDALO ROCHELLE HALL, )  
 )  
 Defendant. )

CASE NO. CF-2004-6403

**COPY**

TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
(TESTIMONY OF TONDALO HALL ONLY)

HAD ON THE 7TH DAY OF DECEMBER, 2006

BEFORE THE  
HONORABLE RAY C. ELLIOTT  
DISTRICT JUDGE

APPEARANCES:

MS. ANGELA MARSEE, Assistant District Attorney,  
Oklahoma County District Attorney's Office, 320 Robert  
S. Kerr, 505 County Office Building, Oklahoma City,  
Oklahoma, appearing on behalf of the State of Oklahoma

MR. BERT RICHARD, Assistant Public Defender, Public  
Defender's Office, 320 Robert S. Kerr, 611 County Office  
Building, Oklahoma City, Oklahoma, appearing on behalf  
of the defendant, Robert Braxton, Jr.

MR. BILL SMITH, Attorney at law, Oklahoma City,  
Oklahoma, appearing on behalf of the defendant, Tondelo  
Rochelle Hall

REPORTED BY:

Marla J. Cullison, RPR, Official Court Reporter,  
Oklahoma County Courthouse, Oklahoma City, Oklahoma

1 (On December 7, 2006, the following proceedings were  
2 had (testimony only of Tondalo Hall):

3 THE COURT: Let the record reflect all the  
4 parties are present, including the defendant with  
5 counsel, State by counsel. Call your next witness.

6 MS. MARSEE: The state calls Tondalo Hall.

7 THE COURT: Raise your right hand, young lady.

8 (The oath was given.)

9 THE COURT: Please be seated. Speak right into  
10 in the microphone, please. May have to pull it around  
11 toward you just a little bit.

12 You may proceed when ready.

13 MS. MARSEE: Thank you, Judge.

14 TONDALO ROCHELLE HALL

15 (The witness was duly sworn and testified as follows:)

16 DIRECT EXAMINATION

17 BY MS. MARSEE:

18 Q. Please tell us your name.

19 A. Tondalo Rochelle Hall.

20 Q. Ms. Hall, are you the same Tondalo Rochelle Hall who  
21 was charged in this case, along with the defendant,  
22 Robert Braxton?

23 A. Yes, ma'am.

24 Q. How do you know Robert Braxton?

25 A. He is my kids' father.

1 Q. How long have you known him?

2 A. For almost four or five years.

3 Q. At the time that you met him, did you have any other  
4 children?

5 A. Yes, ma'am.

6 Q. And what was that child's name?

7 A. Jeffrey Hall.

8 Q. How old was he at the time that you met the  
9 defendant, Robert Braxton, Jr.?

10 A. I believe my son was getting ready to turn one.

11 Q. And can you identify Robert Braxton, Jr. in the  
12 courtroom for us today?

13 A. Yes, ma'am.

14 MR. RICHARD: We'll stipulate, Judge.

15 THE COURT: Stipulation will be accepted and  
16 made a part of the record.

17 MS. MARSEE: Thank you, Your Honor.

18 Q. (BY MS. MARSEE) Now, when you and the defendant,  
19 Robert Braxton, Jr., entered into a relationship, did you  
20 live together at some point?

21 A. Not until later on in the relationship.

22 Q. When was that?

23 A. We started living together in like the end of 2003,  
24 beginning of 2004.

25 Q. What happened in your relationship that caused that

1 change?

2 A. We just started growing apart.

3 Q. You indicated a minute ago that he was the father of  
4 your children. Which children is he the father of?

5 A. Robert Braxton, III, and Ukiah Braxton.

6 Q. When was Robert Braxton, III, born?

7 A. On March 7.

8 Q. Of what year?

9 A. 2003.

10 Q. Were you and the defendant living together at the  
11 time that Robert Braxton, III was born?

12 A. No, ma'am.

13 Q. Now, you also indicated that he's the father of  
14 Ukiah. When was she born?

15 A. On August 26 of 2004.

16 Q. Were you and the defendant living together at the  
17 time that Ukiah was born?

18 A. Yes, ma'am.

19 Q. And where were the two of you living at that time?

20 A. In Terrace Apartments.

21 Q. Can you tell me where, just generally where that's  
22 located?

23 A. Off of Northwest 10th and, I believe, MacArthur.

24 Q. Is that here in Oklahoma City?

25 A. Yes, ma'am.

1 Q. Now, was he on the lease with you at that  
2 apartment?

3 A. No, ma'am.

4 Q. Why not?

5 A. I was on Section 8, and I would have had to tell the  
6 people to put him out, and I didn't do it.

7 Q. Would you have got in trouble if they knew he was  
8 staying there?

9 A. Yes, ma'am.

10 Q. How often was he at that apartment with you?

11 A. He was there for a while. Basically, he lived  
12 there, but he would go back and forth to his family's  
13 house.

14 Q. So when you said that he would live there, but he  
15 would go back and forth, how many nights a week on  
16 average would he not be in your apartment?

17 A. It varied.

18 Q. What do you mean it varied? Can you tell us?

19 A. Sometimes he would be home on weekends, sometimes he  
20 wouldn't be home.

21 Q. What about week nights? Did he usually spend the  
22 week nights with you?

23 A. Most of them.

24 Q. Prior to getting in a relationship with Robert  
25 Braxton, Jr, had Jeffrey had any broken bones?



1 A. No, ma'am.

2 Q. Did he have any after that, that you're aware of?

3 A. No, ma'am.

4 Q. When you were living with the defendant, did there  
5 come a point in time that you realized that something was  
6 wrong with one of your children, with him? That might  
7 not have been a very good question. Let me ask it a  
8 little differently.

9           The two children that you had with the  
10 defendant, Robert III, and Ukiah, did you ever see  
11 anything wrong with either one of them that caused you  
12 some concern while you were living with the defendant?

13 A. Yes, ma'am.

14 Q. And was it one of the children or both of the  
15 children?

16 A. Just one.

17 Q. And which child was that?

18 A. Robert III.

19 Q. When was that?

20 A. I believe -- well, my dad, he went in the hospital,  
21 and my son had a bruise on him.

22 Q. When was your dad in the hospital?

23 A. I couldn't tell you, ma'am.

24 Q. What was he in the hospital for?

25 A. I believe he had a stroke.

1 Q. Had Ukiah been born at that time?

2 A. No, ma'am.

3 Q. And you indicated that it was on your son, Robert  
4 III. Do you have any idea about how old Robert III was  
5 when you first saw that bruise?

6 A. No, ma'am.

7 Q. Was it when you were living with the defendant, or  
8 was it when he was still living separate from you?

9 A. We were living together.

10 Q. So was it at that apartment on Northwest 10th?

11 A. Yes, ma'am.

12 Q. Do you know when he started living with you in  
13 relation to when Ukiah was born?

14 A. We were living together before we had Ukiah.

15 Q. So give me an idea, when you found out you were  
16 pregnant with Ukiah, was the defendant living with you?

17 A. Yes, ma'am.

18 Q. So he lived with you for about nine months then, if  
19 he stayed there until after she was born; is that right?

20 A. Yes, ma'am.

21 Q. Do you remember, when you saw that bruise and when  
22 your dad was in the hospital, do you remember if you were  
23 pregnant at the time?

24 A. No, ma'am.

25 Q. Where was this bruise?

- 1 A. I believe it was on his forehead.
- 2 Q. What did it look like?
- 3 A. It was noticeable, because my dad and my dad's  
4 girlfriend asked me about it.
- 5 Q. How large was it?
- 6 A. I couldn't tell you.
- 7 Q. Did you ask the defendant about that bruise?
- 8 A. Yes, ma'am.
- 9 Q. What did he say?
- 10 A. He said that Robert III was crawling under the table  
11 and he got stuck under the table.
- 12 Q. Was Robert III crawling at that point?
- 13 A. Yes, ma'am.
- 14 Q. So why would that cause you any concern then, if he  
15 gives you that story at that point?
- 16 A. It just, it kind of seemed funny to me because I  
17 thought he would pay more close attention to him.
- 18 Q. Let me kind of fast forward a little bit to November  
19 9 of 2004. Did you take Robert III to the hospital that  
20 day?
- 21 A. Yes, ma'am.
- 22 Q. And what hospital did you take him to?
- 23 A. Children's Hospital.
- 24 Q. Did you take any of the other kids with you?
- 25 A. No, ma'am.

1 Q. Who did they stay with?

2 A. Robert Braxton, Jr.

3 Q. Why did you take Robert III to the hospital on  
4 November 9, 2004?

5 A. Because I was concerned about his leg.

6 Q. Why were you concerned about his leg?

7 A. Because it was swollen.

8 Q. Which leg was swollen?

9 A. I can't remember.

10 Q. Other than seeing that his leg was swollen, did he  
11 act any particular way if the leg was touched?

12 A. He whined.

13 Q. When did you realize that his leg was swollen?

14 A. Before November 9, I think I realized it. But I had  
15 called my primary care provider doctor and he told me to  
16 put an ice pack on it.

17 Q. So prior to November 9 of 2004, what was Robert III  
18 doing developmentally, prior to you noticing that  
19 injury? Was he still crawling? Was he walking?

20 A. He was crawling and he was trying to walk.

21 Q. What do you mean by trying to walk?

22 A. He would put his hands on things to get around.

23 Q. So would he be able to walk from place to place  
24 without holding onto something at that point?

25 A. No.

1 Q. When is the last time you remember Robert III  
2 walking, or trying to walk, prior to taking him to the  
3 hospital?

4 A. Ma'am, I don't remember.

5 Q. Do you remember talking to a Detective Lorre  
6 Freeman, this detective right here?

7 A. Yes, ma'am.

8 Q. And at the time you talked to her, you told her that  
9 it was the Saturday or Sunday before; isn't that  
10 correct?

11 A. Yes, ma'am.

12 Q. And do you know whether -- were you trying -- did  
13 you tell her the truth about the last time you saw your  
14 son walking?

15 A. At that time, I really couldn't remember. I was  
16 trying to remember, but I couldn't.

17 Q. So you just gave her a date?

18 A. Yes, ma'am.

19 Q. A day? Why would you do that?

20 A. I was nervous. I didn't know what to say.

21 Q. Do you remember what you were doing the last time  
22 you remember your son walking prior to taking him to the  
23 hospital?

24 A. I believe just watching the kids, that's all I can  
25 say. Clean up around the house, that's about it.

1 Q. When you realized that he wasn't walking, when was  
2 that? At what point? What event happened?

3 A. I came from, I believe I came from -- the night  
4 before I had came from looking for a house, and when I  
5 came home, the kids were asleep. And the next morning  
6 Robert had to go to work and I was at home with the kids,  
7 and when I got the kids up, there was something wrong  
8 with Robert's leg.

9 Q. Let's talk about that then. You said the night  
10 before you had been out looking for a house?

11 A. Yes, ma'am.

12 Q. Who was that with?

13 A. My father.

14 Q. And do you remember about what time it was when you  
15 left?

16 A. I believe maybe about 5:30.

17 Q. And do you remember about what time it was when you  
18 got home?

19 A. Maybe -- it was late. Probably, I want to say maybe  
20 12:00, maybe 1:00.

21 Q. Why was it so late if all you were doing was out  
22 looking for a house?

23 A. Because my dad had to go to Wal-Mart and stuff, and  
24 we had a flat.

25 Q. So when you got home, the kids were asleep?

1 A. Yes, ma'am.

2 Q. Who had you left the kids with that night?

3 A. With Robert Braxton, Jr.

4 Q. Now, in that daytime, prior to going to look for a  
5 house with your dad, had you seen Robert III walking on  
6 his leg?

7 A. No, ma'am.

8 Q. On November 9 of 2004, that was right after  
9 Halloween; is that correct?

10 A. Yes, ma'am.

11 Q. Did any of the kids go trick-or-treating for  
12 Halloween?

13 A. Yes, ma'am.

14 Q. Who went trick-or-treating for Halloween?

15 A. My son, Jeffrey, the oldest.

16 Q. So Robert III, and Ukiah were somewhere else?

17 A. Yes, ma'am.

18 Q. Where were they when you went trick-or-treating with  
19 Jeffrey?

20 A. They were at home with Robert Braxton, Jr.

21 Q. Do you know if at the time you took Jeffrey trick-  
22 or-treating on October 31 of 2004, do you know whether  
23 Scooty was walking before that?

24 A. I believe he was trying, but when I left the house,  
25 he was sitting on his potty.

1 Q. And I guess my, with regard to my question, when you  
2 noticed that something was wrong with Robert III's leg on  
3 that morning, was he able to even hold onto things and  
4 walk around the house anymore?

5 A. No, ma'am.

6 Q. And so on October 31st of 2004, on Halloween, when  
7 you left him with the defendant, was he still doing that,  
8 trying to walk, or was he not able to walk anymore  
9 because of an injury?

10 A. I'm not for sure.

11 Q. Between Halloween and November 9 of 2004, who took  
12 care of your children, besides you?

13 A. Robert Braxton, Jr.

14 Q. Between that time frame, were there any other  
15 caretakers, any other people that watched the children  
16 when you or the defendant were not home?

17 A. Alicia.

18 Q. And what is her last name?

19 A. Johnson.

20 Q. Any other caretakers besides Alicia?

21 A. Shawn.

22 Q. Did you tell this detective about Shawn?

23 A. I don't think so. I don't remember.

24 Q. Don't you think it would be important to tell this  
25 detective about all the possible caretakers in your



1 children's lives when they have broken bones?

2 A. Yes, ma'am.

3 Q. But you didn't mention Shawn?

4 A. No, ma'am.

5 Q. The only one you mentioned was Alicia?

6 A. Yes, ma'am.

7 Q. Do you know why Alicia would say she didn't watch  
8 those kids during that time frame?

9 A. No, ma'am.

10 Q. On November -- so when was the last time that this  
11 Shawn person watched your kids?

12 A. I'm not for sure.

13 Q. Was it between Halloween and November 9 of 2004?

14 A. I'm not for sure.

15 Q. What are you sure about, Ms. Hall?

16 MR. RICHARD: Objection to form of the question,  
17 Judge.

18 THE COURT: Sustained.

19 Q. (BY MS. MARSEE) Is there anything you remember  
20 during this time frame?

21 MR. RICHARD: Object to the form of that  
22 question, Judge. It kind of opens the door.

23 THE COURT: Rephrase.

24 Q. (BY MS. MARSEE) Ms. Hall, you pled guilty to four  
25 counts of permitting child abuse on or between August 26

1 of 2004 and November 9 of 2004 in Oklahoma County by  
2 allowing this defendant, Robert Braxton --

3 MR. RICHARD: Excuse me, object to form of the  
4 question as leading and suggestive.

5 THE COURT: Overruled.

6 Q. (BY MS. MARSEE) By allowing this defendant, Robert  
7 Braxton, Jr, your children's father, to hurt,  
8 specifically to fracture Robert's ribs and femur and  
9 Ukiah's ribs and femur, and then by being afraid to  
10 immediately seek medical treatment. You pled guilty to  
11 that, didn't you?

12 A. Yes, ma'am.

13 Q. Why did you plead guilty to that? Why did you plead  
14 guilty and say that he did it? What do you know?

15 A. I know that one time when Ukiah was in the room with  
16 him and I was in a room asleep, she let out a big scream  
17 and I don't know what happened. I don't know. I asked  
18 him, and he told me to go back to sleep, she was all  
19 right.

20 Q. When you went into the room, what was going on?

21 A. He was changing her diaper.

22 Q. And you said she let out a big scream?

23 A. Yes, ma'am.

24 Q. And she was in what room of your apartment?

25 A. In the living room.

1 Q. And you were in what room of your apartment?

2 A. In my room.

3 Q. Can you see this diagram, Ms. Hall, that's been  
4 marked and admitted as State's Exhibit 19?

5 A. Yes, ma'am.

6 Q. And on this diagram it indicates that the living  
7 room is right here; is that correct?

8 A. Yes, ma'am.

9 Q. And your bedroom is just on the other wall of that  
10 living room; is that correct?

11 A. Yes, ma'am.

12 Q. So is this the room you were in when you heard Ukiah  
13 scream?

14 A. Yes, ma'am.

15 Q. Is this a very large apartment, ma'am?

16 A. Somewhat, not really. Not to me.

17 Q. Do you know how many square feet it is?

18 A. No, ma'am.

19 Q. Do you remember approximately when that happened  
20 that you heard that scream and you went in and saw the  
21 defendant changing her diaper?

22 A. No, ma'am.

23 Q. She was born on August 26 of 2004; correct?

24 A. Yes, ma'am.

25 Q. And were you in the hospital a couple of days after

1 that?

2 A. After I had her, yes, ma'am.

3 Q. And then did you bring her home to the apartment  
4 that you shared with this defendant?

5 A. Yes, ma'am.

6 Q. After Ukiah was born -- let me ask you this. When  
7 you heard that scream, do you know whether this was days  
8 or weeks before you took Scooty III to the hospital?

9 A. No, ma'am.

10 Q. Was it before you realized that --

11 MR. RICHARD: Judge, I object. She says she  
12 doesn't know when.

13 THE COURT: Overruled. I'm going to give her a  
14 little leeway.

15 Q. (BY MS. MARSEE) Do you know if it was before you  
16 realized something was wrong with Scooty's leg?

17 A. Yes, ma'am.

18 Q. Do you know if it was before Halloween?

19 A. That, I don't know, ma'am.

20 Q. When you went into the living room and you saw the  
21 defendant changing her diaper, what specifically did he  
22 say to you?

23 MR. RICHARD: Objection, asked and answered.

24 THE WITNESS: He said --

25 THE COURT: Wait a minute. Overruled.

1 Q. (BY MS. MARSEE) What specifically did the defendant  
2 say to you at that time?

3 A. He said for me to go back in the room and go to  
4 sleep, she was okay.

5 Q. Did you do that?

6 A. Yes, ma'am.

7 Q. So you didn't examine her or anything at that  
8 point?

9 A. No, ma'am.

10 Q. Was there anything else that happened in your  
11 apartment that gave you reason to know that your children  
12 were in danger at the hands of this defendant?

13 A. Yes, ma'am.

14 Q. What was that?

15 A. I believe it was one time Robert had put his hands  
16 around my throat and choked me on a blue couch.

17 Q. One time Robert put his hands on who?

18 A. Around me, around my throat and choked me on the  
19 blue couch.

20 Q. When was that? Let me ask you a couple of other  
21 questions first. Was this in this apartment or was it in  
22 a different location?

23 A. It was in the apartment.

24 Q. Do you remember whether you had had Scooty or Robert  
25 III, at the time that happened?

1 A. I had already had him.

2 Q. What about Ukiah? Had you had her at the time that  
3 that happened?

4 A. I believe I was pregnant.

5 Q. And you said the blue couch. How many blue couches  
6 did you have in your apartment?

7 A. One, ma'am.

8 Q. And where was it located?

9 A. Right when you walked in the door, in the front  
10 door.

11 Q. Now, you said -- what precipitated this incident?  
12 What was going on that caused this?

13 A. We were arguing, and he told me that my mouth was  
14 too smart.

15 Q. What were you arguing about?

16 A. I don't remember. There were a lot of things we  
17 argued about.

18 Q. What did he do to you?

19 A. Put his hands around my throat and choked me on the  
20 blue couch.

21 Q. When you say on the blue couch, how were you on the  
22 blue couch? What part of your body was on the blue  
23 couch?

24 A. My head was on the seat of the blue couch. He had  
25 me by my throat on the blue couch.

1 Q. You said your head was on the seat. Where was the  
2 rest of your body?

3 A. I believe like my upper part was on -- my upper part  
4 was on the couch and my legs were off the couch

5 MS. MARSEE: May I approach the witness, Your  
6 Honor?

7 THE COURT: Yes.

8 Q. (BY MS. MARSEE) I'm showing you what has been  
9 marked for identification as State's Exhibit 19. Do you  
10 recognize what this is a photograph of?

11 A. Yes, ma'am.

12 Q. And what is it a photograph of?

13 A. My blue couch that was in my house.

14 Q. And is this the blue couch that you were referring  
15 to, or is this a different blue couch?

16 A. That's the right couch.

17 Q. Does State's Exhibit 19 accurately depict the blue  
18 couch as it was in that living room at the time of the  
19 choking?

20 A. It wasn't right there. It was on the other side,  
21 and the couch was on this side.

22 Q. I'm asking you if this blue couch depicts -- is this  
23 the blue couch you're talking about?

24 A. Yes, ma'am.

25 Q. But it was in a different location at the time?

1 A. Yes, ma'am.

2 MS. MARSEE: Move admission of State's 19.

3 THE COURT: I think we already have a 19, the  
4 diagram of the apartment.

5 MS. MARSEE: I'm sorry, 20, Your Honor. I would  
6 at this time clarify the record -- let me ask Ms. Hall a  
7 question.

8 Q. (BY MS. MARSEE) I've re-marked this photograph that  
9 we've talked about that's got the blue couch in it as  
10 State's Exhibit 20. Is this the same photograph we were  
11 just talking about?

12 A. Yes, ma'am.

13 MS. MARSEE: I would move admission of State's  
14 Exhibit 20.

15 MR. RICHARD: May I approach, Judge?

16 THE COURT: Yes.

17 (The following proceedings were had at the bench  
18 with Court and counsel out of the hearing of the jury:)

19 MR. RICHARD: I object to the introduction of  
20 the exhibit to support this testimony. I move this  
21 testimony be stricken. We did not get Burks notice of  
22 any alleged choking. It's a whole separate related crime  
23 of which we were not advised or informed at any time in  
24 these proceedings, up to and including before this  
25 witness took the stand. So I would ask the jury be



1 admonished and disregard all of that testimony, or in the  
2 alternative, I move for a mistrial.

3 THE COURT: As Judge Parr once said to Frank  
4 Kirk, "It's about time." I wondered when you were going  
5 to object. How has this got any relevance at all in this  
6 trial?

7 MS. MARSEE: Judge, this defendant, when she was  
8 interviewed by Lorre Freeman, had lied to Lorre Freeman  
9 about a lot of the things that went on in that  
10 household. And the reason she lied to Lorre Freeman, I  
11 would anticipate, is because she would say that she was  
12 scared of this defendant because of this prior incident.  
13 And specifically this defendant --

14 THE COURT: If that's the case, we've got the  
15 cart before the horse. At this point, it's got no  
16 relevance. None.

17 MS. MARSEE: Okay.

18 THE COURT: Anything that occurred on that couch  
19 has got nothing to do with this trial. So objection is  
20 going to be sustained. Now, do you want me to risk  
21 admonitioning them and bringing more attention to it?

22 MR. RICHARD: Yes, sir.

23 THE COURT: Okay. Fair enough.

24 MS. MARSEE: Judge, could I clarify something?  
25 Judge, if I establish the foundational questions to

1 establish that that is why she was afraid of him, that's  
2 why she lied to the detective, then will we be permitted  
3 to go back into this area?

4 MR. RICHARD: I never got notice.

5 MS. MARSEE: I disagree. This defendant in his  
6 own statement to the detective talks about how he  
7 restrained her, and how he had bruised her. And there  
8 was denial at the time that there was any type of  
9 domestic violence. And he has that notice from his own  
10 statement, the statement to the detective.

11 THE COURT: I'll let you go as far as she was  
12 afraid of him if that's the testimony, but I'm not going  
13 to let you get specific acts. Now, if he opens up the  
14 door, then it's a different story. But you can get in  
15 the fact she was afraid of him, she can testify to that,  
16 but I'm not going to let you get into specific acts at  
17 this point, no.

18 MS. MARSEE: Okay.

19 (The following proceedings were had in open court  
20 within the hearing of the jury:)

21 THE COURT: Objection to State's 20 is  
22 sustained.

23 Ladies and gentlemen, it will be the order of  
24 the Court that you shall disregard any and all evidence  
25 and testimony regarding this incident on the blue couch.

1           You may continue.

2   Q.   (BY MS. MARSEE)  Ms. Hall, with regard to Scooty,  
3   Robert III's, injury, you had indicated -- you talked to  
4   Lorre Freeman about that; is that correct?

5   A.   Yes, ma'am.

6   Q.   And when you talked to her, you indicated that you  
7   thought that that injury had come from your five-year-  
8   old, Jeffrey, jumping on the bed?

9   A.   Yes, ma'am.

10  Q.   Did you -- at the time that you talked to her, why  
11  did you tell her that story?  Why did you tell the  
12  detective that story?

13  A.   Because that's what my son had told me.

14  Q.   That's what Jeffrey told you?

15  A.   Yes, ma'am.

16  Q.   Now, had anyone seen Jeffrey fall on Scooty's leg?

17  A.   No, ma'am.

18  Q.   And do you remember how long -- how did it come to  
19  be that Jeffrey told you he's the one who hurt Scooty?

20  A.   Because all that week he had been jumping on the  
21  bed, and I had been telling him not to jump on his bed.

22  Q.   All what week?

23  A.   Sometime in November.

24  Q.   Okay.  So you do know it was sometime in November?

25  A.   Sometime, yeah, I guess.

1 Q. Why do you think sometime in November?

2 A. That's the only time I realized about Scooty's leg.

3 Q. And so when -- so why are you asking Jeffrey about  
4 Scooty's leg? Did you see what happened to Scooty's  
5 leg?

6 A. No, ma'am.

7 Q. Did you break Scooty's leg?

8 A. No, ma'am.

9 Q. So you were asking Jeffrey about it; is that  
10 correct?

11 A. Yes, ma'am.

12 Q. Did you ever ask the defendant, Robert Braxton,  
13 about it?

14 A. Yes, ma'am.

15 Q. What did he tell you?

16 A. He said he didn't know.

17 Q. Prior to that leg injury -- let me ask you something  
18 else instead. With regard to the rib fractures of  
19 Scooty, Robert III, what did you tell the detective about  
20 that, how that happened?

21 A. At first I was lying and I told her I didn't know  
22 how it happened. And then I had told her that I did it.

23 Q. Why did you say at first you told her you didn't  
24 know and that you were lying?

25 A. Because I didn't know how it happened. I just made

1 up a lie.

2 Q. You said you told her that you did it?

3 A. Yes, ma'am.

4 Q. And what did you tell her you did?

5 A. I had told her that I took -- I took Scooty, and I  
6 -- I had put him on the bed, I had -- I told her that I  
7 took Scooty and I threw him on the bed, that's what I had  
8 told her.

9 Q. Did you do that?

10 A. No, ma'am.

11 Q. You also told this detective that you, after you did  
12 that, you told this defendant you did it?

13 A. I made up the story. I lied.

14 Q. Why were you lying to this detective?

15 A. I didn't know what to say. I had never been  
16 questioned before.

17 Q. When you first realized that Scooty's leg was  
18 injured, did you talk about it to the defendant, Robert  
19 Braxton?

20 A. Yes, ma'am.

21 Q. How many days before taking Robert III to the  
22 hospital, how many days passed -- I'm sorry, let me start  
23 over. When you told Robert Braxton, Jr. about Scooty's  
24 leg, where was he? Where was he when you told him that?

25 A. I believe he was at work.

1 Q. Did you ever at any point in time show him Scooty's  
2 leg?

3 A. Yes, ma'am.

4 Q. When was that?

5 A. When he had came home.

6 Q. How many days passed after you told him about  
7 Scooty's leg before you took Scooty to the hospital?

8 A. I don't recall.

9 Q. Was it one day, two days, three days, a week? Can  
10 you give us any kind of an estimate?

11 A. No, ma'am.

12 Q. Ma'am, when you talked to -- you told this detective  
13 that your son, Jeffrey, had told you that he's the one  
14 who jumped on Scooty's leg. Do you believe that that's  
15 what broke Scooty's leg?

16 A. No, ma'am.

17 Q. Why not?

18 A. At the time Jeffrey was small and my family made me  
19 realize that Jeffrey is too small to have did that.  
20 Jeffrey is too small.

21 Q. You had a lawyer in your case; is that correct?

22 A. Yes, ma'am.

23 Q. And, in fact, your lawyer is sitting over next to  
24 you; is that correct?

25 A. Yes, ma'am.

1 Q. And did he ever talk to you about the medical  
2 reports in this case, and that medically Jeffrey couldn't  
3 have caused that injury?

4 A. Yes, ma'am.

5 Q. Did that factor into that decision that you made  
6 that Jeffrey couldn't have caused the injury?

7 A. Yes, ma'am.

8 Q. And you didn't cause the injury, correct, to his  
9 leg?

10 A. Correct.

11 Q. Did Scooty, Robert III, did he let you know his leg  
12 was hurt? How does he let you know?

13 A. He was whining when I picked him up.

14 Q. What about when you changed his diaper?

15 A. Still whined.

16 Q. What about when you put clothes on him?

17 A. He still whined.

18 Q. What about when you fed him?

19 A. He still whined.

20 Q. He whined a lot?

21 A. Yes, ma'am.

22 Q. During that time frame, was the defendant around  
23 Scooty when he was whining?

24 A. Yes, ma'am.

25 Q. Would Scooty whine in the presence of this

1 defendant?

2 A. Yes, ma'am.

3 Q. What would be happening when this whining would  
4 occur in the presence of the defendant? What would you  
5 be doing?

6 A. I don't understand what you just said.

7 Q. Did you talk about Scooty's leg and why he was  
8 whining with this defendant while he's whining about it?

9 A. Yes, ma'am.

10 Q. What did you all talk about?

11 A. I asked him, did he know how it happened, how  
12 Robert's leg got hurt, and he said he didn't know.

13 Q. Okay. Did you guys ever talk about, oh, we should  
14 take him to the hospital?

15 A. Yes, ma'am, we did.

16 Q. And tell me about that. What did he say about  
17 that? What did you guys talk about?

18 A. He told me that just because whenever I talked to my  
19 primary provider, he said to put a ice pack on it.  
20 Robert said to wait and just put an ice pack on it to see  
21 if it would go down, so that's what I did. I waited to  
22 see if it would go down.

23 Q. Now, you said that you called your primary care  
24 provider; is that right?

25 A. Yes, ma'am.



1 Q. And who was that?

2 A. Dr. Helmsley.

3 Q. Is he at a certain clinic?

4 A. Mary Mahoney.

5 Q. You indicated that you called there. Would you be  
6 surprised to know that there's no record of that call?

7 A. No, because I did call.

8 Q. Okay. So you would be surprised to know that there  
9 is no record of that call?

10 A. Yes, ma'am.

11 Q. And would you also be surprised to know that there  
12 were records of other times you called in to check on  
13 things, like for eczema and things like that, but not  
14 about the leg?

15 A. I did call about the leg. I did call about the leg.

16 Q. And you told this defendant that, is that what  
17 you're saying?

18 A. Yes, ma'am.

19 Q. Let's talk about Ukiah. After this screaming  
20 incident where you heard her screaming in the living room  
21 and the defendant was changing her diaper, after that  
22 incident, did you notice any changes in her?

23 A. No, ma'am.

24 Q. So she just acted the same after that?

25 A. Yes, ma'am.

1 Q. Did you ever notice any changes in her?

2 A. No, ma'am.

3 Q. So from the day she was born until the day she went  
4 to the hospital, she always talked the same?

5 A. I had to take her to the hospital once because she  
6 was having breathing problems.

7 Q. When was that?

8 A. A little bit after she was born. Maybe, I'm going  
9 to say maybe two weeks after she was born. I'm not for  
10 sure. I think it was two weeks.

11 Q. If the medical records indicate that you took her to  
12 Baptist Medical Center on October 31st of 2004, do you  
13 dispute that that's the date?

14 MR. RICHARD: Judge, I'm going to object to a  
15 question that's assuming facts in evidence, which is  
16 medical records and their existence.

17 THE COURT: Facts that are in evidence?

18 MR. RICHARD: That are not in evidence.

19 THE COURT: I thought that's what you meant, but  
20 that's not what you said. Sustained.

21 Q. (BY MS. MARSEE) Do you know what date she went to  
22 the hospital?

23 A. No, ma'am. All I know is that I took her.

24 Q. Did you take her the same day that you took Jeffrey  
25 trick-or-treating?

1 A. I'm not for sure, ma'am.

2 Q. How many times did you take your child to the  
3 hospital?

4 A. Which one?

5 Q. Ukiah.

6 A. I remember that one time that I took her because of  
7 her breathing.

8 Q. What was wrong with her breathing when you took her  
9 to the hospital? What caused you concern?

10 A. She wasn't breathing like she should be.

11 Q. Okay. So what do you mean by that?

12 A. She would take, like, she would go gasp, and then  
13 she would like breath, and then she would gasp, like  
14 that. So I went ahead and took her to the hospital.

15 Q. What was Ukiah doing developmentally at that point?

16 I mean, could she sit up on her own?

17 A. No, ma'am.

18 Q. Could she roll over on her own?

19 A. No, ma'am.

20 Q. Was there a particular way that she was normally  
21 kept during the day?

22 A. Sometimes I would hold her during the day.

23 Q. How would she be? Have you heard of swaddling a  
24 baby, do you know what that is? Wrapping it in a  
25 blanket?

1 A. Yes, ma'am.

2 Q. Was she swaddled a lot?

3 A. Yes, ma'am.

4 Q. How often was she swaddled?

5 A. A lot because she was -- she moved a lot. She would  
6 get out of the covers.

7 Q. Who would swaddle her?

8 A. Robert Braxton, Jr.

9 Q. Did you swaddle her, as well?

10 A. I tried, but it wouldn't take.

11 Q. So he's the only one that could make it stay?

12 A. Yes.

13 Q. Did Robert Braxton, Jr. help you with taking care of  
14 Ukiah?

15 A. Yes, ma'am.

16 Q. He helped feed her?

17 A. Yes, ma'am.

18 Q. He helped change her diapers?

19 A. Here and there. He really didn't like changing her  
20 diaper.

21 Q. He didn't like changing it?

22 A. Huh-uh.

23 Q. And would he get frustrated when he had to change  
24 her diaper?

25 A. A couple of times.

1 Q. What do you mean by that?

2 A. Sometimes whenever she would like poop on herself,  
3 he would bring her to me.

4 Q. You think that's frustrating that --

5 A. Or like if she would be screaming because she don't  
6 get her diaper changed or anything, he would bring her to  
7 me.

8 Q. So if she was screaming, he would bring her to you?

9 A. Sometimes.

10 Q. Did he ever -- you said sometimes, so there were  
11 times when she was screaming that he would change her  
12 diaper?

13 A. Yes, ma'am.

14 Q. And did the screaming bother him?

15 A. Most of the time, because he didn't like her crying.

16 Q. What would he do when she would scream?

17 A. He would try to hurry up and put her diaper on and  
18 try to feed her or something.

19 Q. Did you ever hear him say anything to her when he  
20 was doing that?

21 A. Yes, ma'am.

22 Q. What did you hear him saying to her when he was  
23 doing that?

24 A. He would say, oh, hush.

25 Q. Did you ever hear him tell her to shut up?

- 1 A. Yes, ma'am.
- 2 Q. Did you ever hear him yell at her?
- 3 A. Maybe once.
- 4 Q. When was that?
- 5 A. I couldn't tell you what day it is.
- 6 Q. Was it the same day that you heard her screaming and  
7 you went into the living room, or a different day?
- 8 A. The same day.
- 9 Q. And what was going on when he was yelling at her?
- 10 A. I believe he was changing her diaper and she was  
11 screaming.
- 12 Q. And could you tell what he was saying?
- 13 A. I know he was saying shut up, and then he was  
14 copying off of her while she was crying.
- 15 Q. What do you mean he was copying off of her?
- 16 A. Whining like she was whining.
- 17 Q. So he was mimicking the sounds that she would make?
- 18 A. Yes, ma'am.
- 19 Q. And when he was doing that, what was he -- could you  
20 see what was going on at that point?
- 21 A. I just seen him, he was just putting on her diaper.
- 22 Q. So at the time that you saw that, he was putting on  
23 her -- or heard that, he was putting on her diaper?
- 24 A. Yes, ma'am.
- 25 Q. So she was laying down?

1 A. Yes, ma'am.

2 Q. Was her skin exposed, or was she swaddled already?

3 A. She was exposed. She was out.

4 Q. So he was actually still in the process of changing  
5 the diaper while he's yelling at her and mimicking her  
6 noises?

7 A. Yes, ma'am.

8 Q. When you asked Robert if -- and I'm going to change,  
9 I need to change gears and ask you this question about  
10 Scooty's leg. When you asked Robert if he knew what  
11 happened to Scooty's leg, did he ask you if you knew?

12 A. Yes, ma'am.

13 Q. What did you tell him?

14 A. I told him I didn't know. At that time I told him I  
15 didn't know how it happened.

16 Q. So you got a 20-month-old with a swollen leg, and  
17 the two parents taking care of the kid just have no clue  
18 how it happened; is that right?

19 A. Yes, ma'am.

20 Q. Now, after you -- you were telling us a little bit  
21 ago about an incident where you had lied and you told  
22 Detective Freeman about putting Scooty down on the bed  
23 kind of hard. Did you do that? Did you put him down on  
24 the bed kind of hard?

25 A. No, ma'am.

1 Q. Did you do anything else which would have caused  
2 injuries to his ribs?

3 A. No, ma'am.

4 Q. Did you see anyone else do anything that would have  
5 caused injuries to his ribs?

6 A. No, ma'am.

7 Q. Did you have any kind of car wrecks or anything that  
8 would cause injuries to his ribs?

9 A. No, ma'am.

10 Q. Did he fall from a 20-story building?

11 A. No, ma'am.

12 Q. Did you ever ask the defendant about Scooty's ribs?

13 A. Yes, ma'am.

14 Q. When was that?

15 A. When I was at the hospital and I found out that  
16 Robert's ribs were fractured.

17 Q. So what did you do when you found that out?

18 A. I called home and --

19 Q. Who did you talk to?

20 A. I talked to Robert.

21 Q. And what did you tell him?

22 A. I told him, I asked him did he know that Robert had  
23 fractured ribs, and he said he did not know nothing about  
24 it. He said he was wondering how it happened.

25 Q. When you told him, did you say, man, we've got to



1 find out who did this to our kids?

2 A. No, ma'am.

3 Q. Do you guys, you know, start trying to tell the  
4 police about all the other people that could have done  
5 it?

6 A. I believe, I think I did. I believe I did.

7 Q. You think you did?

8 A. Yes, ma'am.

9 Q. So --

10 A. I believe that I said that it could have happened by  
11 Robert's little cousins playing with them, with him. I  
12 believe I told the detective that.

13 Q. So the little cousins and the five-year-old brother  
14 that are getting the blame for all of those injuries;  
15 correct?

16 A. Yes, ma'am.

17 Q. How old are these little cousins?

18 A. I believe one was ten at the time, and the other one  
19 was probably eight. I'm not for sure.

20 Q. What did you see them do that you think caused these  
21 injuries?

22 A. They were always playing with them.

23 Q. Playing how? Like kids do?

24 A. Yes, ma'am.

25 Q. So tell us, how did they play?

1 A. Sometimes kids play rough.

2 Q. What do you mean by rough?

3 A. Like play wrestling. But I was told by my first  
4 attorney that that couldn't have happened.

5 Q. What do you mean by play wrestling? Did you ever  
6 see them play wrestling?

7 A. Yes, but Robert wasn't hurt then.

8 Q. Why do you say that, he wasn't hurt then?

9 A. Because he was just laughing.

10 Q. And are you trying to tell this jury that you had no  
11 idea that his ribs were broken?

12 A. Yes, ma'am.

13 Q. So when he would breath, it wouldn't cause him  
14 trouble, wouldn't cause him pain? He didn't cry out?

15 A. No, ma'am, I didn't know.

16 Q. Did the defendant help take care of Robert III, at  
17 that point? Was he helping getting him dressed during  
18 the day, taking him to the bathroom, feeding him,  
19 clothing him, changing his diaper?

20 A. Yes, ma'am.

21 Q. During that time frame after Ukiah was born, did the  
22 defendant help you feed her?

23 A. Yes, ma'am.

24 Q. Cloth her?

25 A. Yes, ma'am.

1 Q. Wrap her up?

2 A. Yes, ma'am.

3 Q. Change her diaper?

4 A. Here and there, not really.

5 Q. At least a few times change the diaper; correct?

6 A. Yes, ma'am.

7 Q. What about burping her? Did you both burp her?

8 A. Yes, ma'am.

9 Q. And you're saying you didn't see any signs that this  
10 child was injured, that Ukiah was injured?

11 A. No, ma'am.

12 Q. Did you do anything to Ukiah which would cause those  
13 injuries?

14 A. No, ma'am.

15 Q. Did you leave her alone with this defendant during  
16 that two-and-a-half months of her life?

17 A. Yes, ma'am.

18 Q. How often did you leave her alone with him?

19 A. A lot.

20 Q. What does a lot mean to you? I don't know what that  
21 means.

22 A. At least more than ten times.

23 Q. Where would you go when you would leave her alone  
24 with him?

25 A. To the store. I would go out with my friends. Went

1 to go look at my house. Important places, courthouse.

2 Q. You talked a little bit about pleading guilty.

3 There is no agreement -- is there any agreement for you  
4 to testify in this case?

5 A. Is there any?

6 Q. Is there some agreement that you're going to get  
7 some kind of a deal for testifying in this case?

8 A. No, ma'am.

9 Q. What is your understanding about who will decide  
10 what your sentence is?

11 A. My understanding is Judge Elliott.

12 Q. This judge right here is the one who will decide  
13 what your sentence is; correct?

14 A. Yes, ma'am.

15 Q. When you were in the interview room with the  
16 defendant at the Oklahoma City Police Department, and the  
17 two of you were alone, there were a couple of times that  
18 he was whispering; is that right?

19 A. Yes, ma'am.

20 Q. And a couple of times, it's kind of hard to hear,  
21 but what he tells you is "Don't say nothing," doesn't he?

22 A. Yes, ma'am.

23 Q. You told Detective Freeman that -- I'm sorry, that  
24 you were afraid. Didn't you tell this detective that you  
25 were afraid that if you took Scooty to the hospital that

1 the kids would be taken by DHS?

2 A. Yes, ma'am.

3 Q. Had you talked about that with the defendant?

4 A. Yes, ma'am.

5 Q. Why were you afraid that the kids would be taken by  
6 DHS?

7 A. Because I had a friend that I went to OIC with, and  
8 her son had fell and broke his arm, and DHS took her kids  
9 right away. And whenever I was taken away from my mom at  
10 three months.

11 Q. So rather than worrying about the health of your  
12 kids, you worried about them being taken away from you?

13 A. Yes, ma'am.

14 MS. MARSEE: May I approach the witness, Your  
15 Honor?

16 THE COURT: You may.

17 Q. (BY MS. MARSEE) Showing you what has been marked as  
18 State's Exhibit 17, do you recognize what that is?

19 A. Yes, ma'am.

20 Q. What is State's Exhibit 17?

21 A. My blind plea.

22 Q. Is this the paperwork where you entered a guilty  
23 plea to permitting child abuse?

24 A. Yes, ma'am.

25 Q. Does this look like an accurate copy of that guilty

1 plea, the paperwork you signed?

2 A. Yes, ma'am.

3 MS. MARSEE: Move admission to State's 17.

4 THE COURT: Any objection?

5 MR. RICHARD: No, sir.

6 THE COURT: State's 17 admitted without  
7 objection.

8 Q. (BY MS. MARSEE) When you talk about how many  
9 caretakers were in your home, you said Alicia was a  
10 caretaker and Shawn was a caretaker. Anyone else?

11 A. My friend, Crystal Parker, she came over, and I was  
12 there whenever she was watching my baby for a while.

13 Q. So you didn't leave her alone with the child?

14 A. No, ma'am.

15 Q. So did you see her do anything to your child?

16 A. No, ma'am.

17 Q. So she's not a potential doer; is that correct?

18 A. Correct.

19 Q. Now, let's talk about Alicia. When you left --  
20 which kids did you leave with Alicia?

21 A. Sometimes I would leave all three of them, or maybe  
22 Jeffrey would go over to her house for a while.

23 Q. Do you remember the last time she had taken care of  
24 the kids prior to going to the hospital?

25 A. No, ma'am.

1 Q. Did you ever see any injuries on any of your  
2 children after she had taken care of your kids?

3 A. No, ma'am.

4 Q. Did they ever cry when you moved their legs or  
5 squeezed them or changed their diapers after she took  
6 care of your kids?

7 A. No, ma'am.

8 Q. With regard to Scooty's leg, she wasn't the one  
9 taking care of Scooty when that happened; correct?

10 A. Correct.

11 Q. Now, this Shawn person, when was the last time he or  
12 she -- is that a female, male?

13 A. Female.

14 Q. Do you know that person's last name?

15 A. Braxton.

16 Q. So she's related to the defendant?

17 A. Yes, ma'am.

18 Q. Do you know how to get in touch with her?

19 A. No, ma'am.

20 Q. And since she was a caretaker, wouldn't it before  
21 have been important to tell Lorre Freeman about her?

22 A. Yes, ma'am.

23 Q. But you didn't?

24 A. No, ma'am.

25 Q. So when did you remember that this Shawn person took

1 care of your kids?

2 A. After I was arrested, I was thinking about all the  
3 people who watched my kids.

4 Q. So Shawn and Alicia are the only ones that you came  
5 up with?

6 A. Yes, ma'am.

7 Q. After all of this time? I mean, you've had a lot of  
8 time to think about it, and those are the only other two  
9 people, correct, besides this defendant?

10 A. Yes, ma'am.

11 Q. Now, after Shawn took care of your kids, did you  
12 ever notice any injuries on them?

13 A. No, ma'am.

14 Q. And did Shawn take care of all the children or just  
15 some of them?

16 A. Sometimes she would take her home, and sometimes she  
17 would just take -- come for Jeffrey.

18 Q. After she would take care of the kids, did the kids  
19 ever act like they were in pain, cry when you changed  
20 their diaper, or when you moved their legs, anything like  
21 that?

22 A. No, ma'am.

23 Q. But you don't remember when the last time was?

24 A. No, ma'am.

25 Q. If you told the detective it was at least a month



1 before anybody else had the kids, was that a lie, too, or  
2 is that what the best you can remember?

3 A. At the time it was probably the best I could  
4 remember. I hadn't had any sleep whenever she was  
5 questioning me.

6 Q. Have you had any contact with this defendant while  
7 you all have been in the Oklahoma County Jail?

8 A. Yes, ma'am.

9 Q. What kind of contact have you had with him?

10 A. We have had arguments, and I received letters from  
11 him.

12 Q. And when you've had arguments or received letters,  
13 has he ever said anything about this case to you?

14 A. Yes, ma'am.

15 Q. When did he say anything about this case to you, at  
16 what point?

17 A. Mostly in all the letters.

18 Q. Did you ever see him in court on the court dates?

19 A. Yes, ma'am.

20 Q. Did he ever talk to you on court dates about this  
21 case?

22 A. Yes, ma'am.

23 Q. What did he say?

24 A. I believe the last time he asked me, was it my  
25 decision to -- my decision or my attorney's decision to

1 testify against him.

2 Q. Okay. What was he saying about you testifying  
3 against him? I mean, how was he acting about that?

4 A. He was upset.

5 Q. How did you know he was upset?

6 A. The way he looked and the way he acted towards me.

7 Q. So how did he act?

8 A. Mad about it. He was just mad.

9 Q. Did he ever say anything about you testifying?

10 A. He said he couldn't believe that I would do  
11 something like that against him.

12 Q. Say anything else?

13 A. At the time I don't think -- no.

14 Q. Did he ever try to tell you what to say?

15 A. No, ma'am.

16 Q. Did he ever try to tell you not to testify?

17 A. No, ma'am.

18 Q. Let me ask you a couple of questions about your  
19 mental condition during October/November of 2004. What  
20 was going on with you mentally during that time frame?

21 A. At the time I had a lot of stuff on my back. I had  
22 to rush and get a place to stay, and I barely had money  
23 to buy things, so I had a lot on my plate.

24 Q. Did you have some kind of condition that would  
25 affect your ability to remember what happened during that

1 time frame?

2 A. No, ma'am.

3 Q. Do you have some kind of condition now that affects  
4 your ability to remember from that time frame?

5 A. It's been two years ago.

6 Q. So other than the fact that two years has passed,  
7 you don't have some mental condition that prevents you  
8 from being able to remember things?

9 A. No, ma'am.

10 Q. Ma'am, you had talked to Lorre Freeman about Scooty  
11 and about how you thought maybe you caused his injury and  
12 you said that you told her a lie?

13 A. Yes, ma'am.

14 Q. How do we believe anything you've testified to  
15 today?

16 MR. RICHARD: Judge, I think it's argumentative.

17 THE COURT: Overruled.

18 THE WITNESS: Because I'm under oath.

19 Q. (BY MS. MARSEE) You're under oath?

20 A. Yes, ma'am.

21 Q. You were under oath when you pled guilty, weren't  
22 you?

23 A. Yes, ma'am.

24 Q. You walked up in front of this judge and you raised  
25 your hand and you swore to tell the truth, didn't you,

1 just like you did this morning?

2 A. Yes, ma'am.

3 Q. When you pled guilty, you pled guilty to allowing  
4 him to hurt your kids; correct? Isn't that right?

5 A. Yes, ma'am.

6 Q. You're not trying to say that you think Shawn caused  
7 these injuries, are you?

8 A. No, ma'am.

9 Q. You're not trying to say that you think Alicia  
10 caused these injuries, are you?

11 A. No, ma'am.

12 MS. MARSEE: Pass the witness, Judge.

13 THE COURT: Ladies and gentlemen, let's take our  
14 morning recess at this time. I have 9:53, we'll call it  
15 9:55. Let's be back at ten minutes after ten. The  
16 admonition applies. Anyone need it repeated, raise your  
17 hand. No hands raised. Let's wait and let the witness  
18 get out, and then the jury will be excused.

19 (The witness exits the courtroom).

20 THE COURT: Court is in recess until 10:10.

21 (End of proceedings (testimony only of Tondalo  
22 Hall.))

23

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