



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

MAR - 6 2018

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

THE ESTATE OF RANDALL CHARLES PETERSON;)
LANA KAY PETERSON, Individually, and in her)
capacity as Personal Representative of the Estate of)
Randall Charles Peterson; BETTY CAROL HOWELL;)
DOUGLAS DWAIN HOWELL; and FRANCIS MARION)
FARROW,)

Plaintiffs,)

Case No.

CJ-2018-00977

v.)

STATE OF OKLAHOMA; and BOARD OF COUNTY)
COMMISSIONERS OF THE COUNTY OF TULSA,)

Defendants.)

JEFFERSON D. SELLERS

PETITION

Plaintiffs, The Estate of Randall Charles Peterson, Lana Kay Peterson, Betty Carol Howell, Douglas Dwain Howell, and Francis Marion Farrow, bring this action against the named defendants and, in support of their Petition, allege the following:

PRELIMINARY STATEMENT

1. This case arises out of a brutally violent episode that took place in Eufaula, Oklahoma on January 21, 2016. On that date, Cedric Lamont Norris—a dangerous, convicted felon—entered the Bank of Eufaula and senselessly murdered the Bank’s President, Randall Peterson. After forcefully taking a handful of cash from a teller drawer, Norris attempted to abduct a Bank employee, Betty Howell. When Ms. Howell resisted, Norris shot at but narrowly missed Francis Farrow, who was standing near Ms. Howell. Norris again ordered Ms. Howell to come with him and, when she refused, shot her in the abdomen. Before leaving the Bank, Norris forcefully abducted a Bank patron who was seated at Ms. Howell’s desk. With this patron as his

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hostage, Norris led police on a high-speed chase, culminating in a roadside shootout in which Norris was killed and his hostage severely injured.

2. Norris should not have been in Eufaula on that day. He was previously convicted of prior robberies by force in both Creek County and Tulsa County, and sentenced to serve a total of 60 years of incarceration in the custody of the State of Oklahoma. At the time of these convictions, Norris was serving yet another sentence for similar crimes in the State of Texas. Before Norris was returned to Texas, however, officials at Tulsa County should have delivered him to Oklahoma Department of Corrections (“DOC”) for reception and assessment. State and county officials should have then made arrangements to ensure Norris would be returned to Oklahoma after completing his term of incarceration in Texas. Defendants failed to do so, and further failed to take reasonable measures following Norris’s return to Texas to ensure his eventual return to custody in Oklahoma—even after Norris personally notified officials in Oklahoma that he was soon to be released and affirmatively requested they take measures to detain him so he could serve his Oklahoma sentences. Norris was released in Texas and never served his remaining sentences in Oklahoma. A free man, Norris went on to wreak havoc at Bank of Eufaula, murdering Mr. Peterson and severely injuring Plaintiffs, as set forth herein.

JURISDICTION AND VENUE

3. Defendants are the State of Oklahoma and Tulsa County, a political subdivision of the State of Oklahoma. Plaintiffs’ claims arise out of the Oklahoma Governmental Tort Claims Act, 51 O.S. §§ 151 *et seq.*, wherein the State of Oklahoma waives the sovereign immunity of the State and its political subdivisions for loss resulting from tortious conduct for which private persons or entities would be liable for money damages.

4. In compliance with 51 O.S. § 156, Plaintiffs presented their claims to Defendants via letters dated January 19, 2017. These letters are attached hereto as Exhibit 1. The State of

Oklahoma responded, denying Plaintiffs' claims, via letters dated April 18, 2017. These letters are attached hereto as Exhibit 2. Tulsa County did not respond at all, and so is deemed to have denied Plaintiffs' claims, pursuant to 51 O.S. § 157.

5. Plaintiffs originally filed their claims against the State and Creek and Tulsa Counties in the District Court of McIntosh County in Case No. CJ-17-46, alleging that, because they were injured in McIntosh County, their claims arose and venue was proper there pursuant to 51 O.S. § 163. The District Court of McIntosh County dismissed Plaintiffs' claims on January 12, 2018 "on the basis of the action being filed in the wrong venue," finding that venue was proper against each Defendant only in the county in which that Defendant undertook the "decisional act" that resulted in Plaintiffs' injuries. The District Court of McIntosh County's Order dismissing Plaintiffs' claims is attached hereto as Exhibit 3.

6. Plaintiffs filed a Petition in Error in Supreme Court Case No. 116760. Plaintiffs appeal both the District Court of McIntosh County's finding that any "decisional act" formed the basis for venue of this action and its dismissal of Plaintiffs' claims in McIntosh County.

7. Nonetheless, because the District Court of McIntosh County's January 12, 2017 Order suggests that venue for Plaintiffs' claims is proper only where Defendants undertook certain "decisional acts," and that those "decisional acts" could only have taken place in the county where each Defendant's relevant offices are located, Plaintiffs have also filed this action in Tulsa County, and separate actions in Oklahoma County and Creek County. In this instance, Plaintiffs allege that Tulsa County officials and State of Oklahoma officials located in Tulsa County, including the Tulsa County District Attorney, negligently acted or failed to take certain actions in Tulsa County, Oklahoma, and that Plaintiffs were injured as a result, as more fully set forth herein.

RELEVANT FACTS

A. Failure to Effect the Return of Cedric Lamont Norris for Incarceration in Oklahoma

8. In 2005, Cedric Lamont Norris was an inmate in custody of the Texas Department of Criminal Justice. Norris was then serving a sentence for burglaries and robberies committed in Dallas County, Texas. In that same year, Norris was extradited to Oklahoma to face trial on multiple charges of robbery by force in Tulsa and Creek Counties.

9. In April of 2006, Norris was convicted of robbery by force in Tulsa County and sentenced to 10 years in the custody of the State of Oklahoma.

10. In December of 2006, Norris was convicted of robbery by force in Creek County and sentenced to 60 years, to run concurrently with his 10-year sentence in Tulsa County, in the custody of the State of Oklahoma.

11. In January of 2007, Norris was returned to the custody of the Texas Department of Criminal Justice to serve the remainder of his sentence in Texas. With Norris in custody in Texas, but under sentence to serve 60 years of additional time in Oklahoma upon his release from custody in Texas, Defendants had a duty to take and complete reasonable measures to cause Norris ultimately to be returned to Oklahoma to serve his term of incarceration in this State.

12. The judgment and sentence entered against Norris in Tulsa County directed County officials to deliver Norris to the custody of the Oklahoma Department of Corrections (“DOC”), in compliance with state law (21 O.S. § 61.5; 22 O.S. §§ 978, 979; 57 O.S. § 95), to be received, assessed, and processed as an inmate of the State of Oklahoma. Norris was in Tulsa County’s physical custody as a result of his prosecution and conviction in Tulsa County for crimes committed there. Tulsa County had a legal responsibility to deliver Norris to DOC and was aware of Norris’s propensity to commit violent robberies, as evidenced by his convictions in two Oklahoma jurisdictions and in Texas, and the danger to the public that would result from

failure to ensure he was incarcerated for the term of his duly issued 60-year sentence of imprisonment. Under the circumstances, Tulsa County had a special relationship to Norris and a duty to deliver him to the custody of DOC so he could be assessed and processed and arrangements could be made to ensure his return to Oklahoma upon completion of his sentence in Texas. Tulsa County, because of this special relationship to Norris, also had a duty to take other reasonable measures to ensure that Norris would return to Oklahoma to serve his sentences in this State.

13. Tulsa County breached its duties by failing to deliver Norris to DOC custody, instead permitting him to be sent back to Texas without being delivered to DOC for assessment and processing and without any arrangement for his return to Oklahoma, and failing to take any other effective measure to cause his return to Oklahoma upon completion of his sentence in Texas. Had Tulsa County delivered Norris to DOC custody, executive agencies would have been alerted to Norris's Oklahoma convictions and the resulting need to arrange for his eventual return to Oklahoma and would have taken actions to cause Norris to be delivered to Oklahoma to serve his sentences in this State. Because Tulsa County failed to deliver Norris to DOC custody, executive agencies that could otherwise have ensured Norris's return to Oklahoma may have been unaware of the need to do so.

14. Because the State of Oklahoma extradited, prosecuted, convicted, and sentenced Norris to 60 years of imprisonment in its custody, the State of Oklahoma had a duty to ensure that Norris was returned to Oklahoma to serve his sentences upon completion of his sentence in Texas. The State was aware of Norris's violent proclivities and the threat that would be posed to individuals like Plaintiffs by negligently allowing him to be released and failing to arrange for his return to serve his sentences in Oklahoma, and assumed a special relationship to Norris by

virtue of his prosecutions, convictions, and sentences. Under the circumstances, the State of Oklahoma had a duty to ensure Norris would be incarcerated in Oklahoma and serve his sentences here. The State of Oklahoma breached its duties by failing to do what was necessary and sufficient to cause Norris's return to Oklahoma custody, and Plaintiffs were injured as a result.

15. In December of 2006, Tulsa County District Attorney delivered to the Texas Department of Criminal Justice an incomplete "Form IX - Prosecutor's Report of Disposition of Charges," submitted pursuant to the Interstate Agreement on Detainers. Tulsa County District Attorney did not include with this Form IX the required judgment/commitment documents (*i.e.* Norris's Judgment and Sentence from his Tulsa County conviction). Had Tulsa County District Attorney properly followed this procedure, or followed up with Texas officials thereafter, or otherwise taken reasonable measures, Texas officials would have caused Norris to return to Oklahoma rather than released him upon completion of his Texas sentence. The District Attorney's acts and omissions are attributable to the State of Oklahoma or, alternatively, Tulsa County.

16. Although Defendants failed to take action, Norris affirmatively requested he be returned to custody in Oklahoma to serve his sentences. In July of 2010, while still in custody of the Texas Department of Criminal Justice, Norris delivered to Creek County Courthouse a handwritten letter, which he styled a "Motion to Execute Judgment." In that letter, Norris reminded officials that he "was sentenced to '60' sixty years in Dec. 2006 and upon completion of [his] '2' two sentence in the State of Texas, Creek County Oklahoma was supposed to had me brought back to Oklahoma to begin '60' sixty year term in Oklahoma Department of Corrections". Norris further advised, "[h]owever, Texas refused to send me to Creek County,

because Creek County has failed to place a detainer with the Department of Justice in Texas Department of Corrections. I have been advised that I can not be transported to Oklahoma prison until Creek County places a detainer to have me brought to Oklahoma”. Regarding this “detainer,” Norris explained, “This should have already been done by Creek County. I’m simply requesting that Creek County place detainer so Mr. Norris can start his sentence in Oklahoma.” Norris’s “Motion” was received and entered into the court record in Tulsa County, placing the State of Oklahoma on notice of Norris’s request. Still, despite their knowledge of Norris’s dangerous tendencies and his personal plea that he be returned to Oklahoma and incarcerated, Defendants took no action to ensure Norris’s return to custody in Oklahoma following his release from custody in Texas.

17. Because Defendants took no action to ensure Norris’s return to custody in Oklahoma, Norris was released from the custody of the Texas Department of Criminal Justice in March 2012 and not returned to Oklahoma for incarceration in the State.

18. Prior to Norris being released in Texas, Defendants could and should have taken measures to cause Texas authorities to notify Defendants when Norris’s sentence in Texas was to end. Defendants could and should have taken measures to cause Norris to be returned to Oklahoma to serve his sentences, whether those included initiating the appropriate proceedings with Texas authorities or notifying the appropriate agencies in Oklahoma of the need to do so. Defendants either did not take these measures or failed to perform them with due care. After Norris’s release in Texas, Defendants still could have—and should have—but did not take any measures to ascertain that Norris had been released or to cause his return to Oklahoma to serve his sentences.

B. *Injuries and Loss Caused in Eufaula Due to Defendants' Negligence*

19. On January 21, 2016, a date on which he should have been in the custody of the Oklahoma Department of Corrections, Norris entered Bank of Eufaula in Eufaula, McIntosh County, Oklahoma, armed with a pistol.

20. After entering the Bank, Norris immediately walked into the office of the Bank's President, Randall Charles Peterson, and shot Mr. Peterson in his chest. Mr. Peterson died of gunshot wounds on the floor of his office.

21. After shooting Mr. Peterson, Norris approached the Bank's tellers, brandishing the gun he had used to shoot Mr. Peterson, and took a fistful of cash from a teller drawer. He then approached a bank employee, Plaintiff Betty Carol Howell, at her desk and demanded that she accompany him as his hostage in leaving the bank.

22. Ms. Howell's brother and Mr. Peterson's brother-in-law, Plaintiff Francis Marion Farrow, who was also employed at the Bank, was standing near Ms. Howell when Norris demanded that Ms. Howell leave with him. When Ms. Howell refused to leave, Norris fired his pistol at Mr. Farrow's head. Mr. Farrow dove to the floor and narrowly avoided being shot.

23. Norris then repeated his demand that Ms. Howell leave the bank as his hostage. When Ms. Howell refused, Norris shot Ms. Howell in her abdomen.

24. After shooting Ms. Howell, Norris abducted a bank patron who had been seated at Ms. Howell's desk. With this patron as his hostage, Norris then left Bank of Eufaula.

25. After leaving Bank of Eufaula, Norris led police on a high-speed chase in McIntosh County. That chase eventually ended in a shootout between Norris and police, in which Norris was killed and his hostage was severely wounded.

26. Plaintiff Douglas Dwain Howell, Ms. Howell's husband and Mr. Peterson's best friend, was just a few doors down the street from the Bank when he learned the Bank was being

robbed. He rushed to the Bank, where he found Mr. Peterson dead on the floor of his office. He was told that his wife had been hurried away from the Bank to the hospital and immediately headed there himself. Upon arrival at EPIC Medical Center in Eufaula, Oklahoma, Mr. Howell learned that his wife would be immediately transported to St. Francis Hospital in Tulsa, Oklahoma for emergency surgery. Mr. Howell then made his way to Tulsa to be by his wife's side. Ms. Howell survived the gunshot wound and subsequent surgery, but has endured a long and painful hospitalization and recovery.

CLAIMS FOR DAMAGES

27. Plaintiffs reincorporate each of the preceding paragraphs of their Petition as though fully set out herein.

28. Because Defendants failed to take the actions necessary to ensure that Norris served the sentences imposed upon him in Tulsa County, Randall Charles Peterson experienced extraordinary pain and suffering and lost his life. At the time of his death, Mr. Peterson was enjoying an extremely successful career and the love of his wife, two daughters, and four grandchildren. The Estate of Randall Charles Peterson, by and through its Personal Representative, Lana Kay Peterson, brings this action against the Defendants to recover damages for his pain and suffering, death, and loss of income.

29. Because Defendants failed to take the actions necessary to ensure that Norris served the sentences imposed upon him in Tulsa County, Lana Kay Peterson lost the love, companionship, and financial support of her husband. Ms. Peterson brings her action for recovery of damages for loss of familial relations, economic support, consortium, and her own mental anguish and emotional distress.

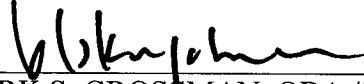
30. Because Defendants failed to take the actions necessary to ensure that Norris served the sentences imposed upon him in Tulsa County, Betty Carol Howell witnessed Norris

murder her good friend Mr. Peterson, and threaten other bank employees. Ms. Howell was then threatened with abduction, which she feared would likely end with her death or serious injury, and when she and her brother resisted, Ms. Howell witnessed Norris shoot at her brother. Ms. Howell was then severely injured by a gunshot wound and witnessed Norris abduct a bank customer and acquaintance who she presumed would be killed or severely injured. Ms. Howell endured emergency surgery and a lengthy hospitalization. Ms. Howell continues to suffer a long and painful road to recovery for both her physical and emotional injuries. Ms. Howell brings her action for recovery of damages for pain and suffering, medical expenses, loss of income, and mental anguish and emotional distress.

31. Because Defendants failed to take the actions necessary to ensure that Norris served the sentences imposed upon him in Tulsa County, Douglas Dwain Howell has suffered extraordinary emotional distress and significant economic loss. In order to support and care for his wife during her time of recovery, Mr. Howell was also forced to take time away from work. His wife's physical and emotional injuries have also significantly strained familial relations. Mr. Howell brings his action for recovery of damages for his mental anguish and emotional distress, loss of income, and loss of consortium.

32. Because Defendants failed to take the actions necessary to ensure that Norris served the sentences imposed upon him in Tulsa County, Francis Marion Farrow has suffered severe emotional distress. He witnessed his brother-in-law's murder, his sister's attempted kidnapping and shooting, and was shot at himself. Mr. Farrow brings his action for recovery of damages for his mental anguish and emotional distress.

WHEREFORE, Plaintiffs respectfully request this Court enter judgment against Defendants for the maximum damages available under law and for such other and further relief as this Court may deem just and proper.



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