

Scanned Feb 29, 2012 Would you make her take her clothes off --

2 A No, I do not.

3 Q -- to do that?

4 Q Huh?

5 A No, I do not.

6 MR. CARROLL: That's all I have.

7 MR. POTTER: Your Honor, we don't have
8 any further questions of this witness.

9 THE COURT: You may step down.

10 MR. POTTER: Your Honor, we would call
11 Mrs. Helen Paramore to the witness stand.

12 HELLEN PARAMORE

13 DIRECT EXAMINATION

14 MR. POTTER: Q Your name, please,
15 ma'am?

16 A Helen Paramore.

17 Q Ms. Paramore, you were the case worker, works for
18 the State of Texas that I guess, was called to Darnall Army
19 Hospital to interview a suspected case of child abuse wherein
20 the alleged victim was Beverly Troupe?

21 A That's correct.

22 Q And you did so interview the victim --

23 A Yes, I did.

24 Q -- her mother, the -- and the father?

25 A No, I did not interview the father.

Scanned Feb 29, 2012 You did interview the mother, though?

2 A Yes, I did.

3 Q And the girl?

4 A Yes, I did.

5 Q You were good enough to talk to me about 1:15
6 today and cut into your lunch, weren't you?

7 A That's correct.

8 Q And when we talked, I asked you if the child --
9 that you had made a previous statement in which you said the
10 child related to this worker, several stories concerning how
11 she may have been hurt in the vaginal area?

12 A That's correct.

13 Q And you said, yes, she did; is that correct?

14 A Yes.

15 Q All right, ma'am. One of those stories she
16 related to you was concerning --

17 MR. CARROLL: Your Honor, we object to
18 him leading. At this time we object to him providing the
19 testimony. We don't object to him asking the question.

20 THE COURT: You may complete your
21 question.

22 MR. POTTER: Q One of those stories
23 involved her allegedly sitting on some glass in someone's
24 back yard; is that correct?

25 A Sitting on some glass in a swing that was in the

2 Q Of someone's house?

3 A That's correct. A Melody that lives across the
4 street.

5 Q Okay. Now, did you go to check that out, ma'am?

6 A No, I didn't.

7 Q Did the child also tell you about any other sexual
8 encounter she had, had with other children?

9 A Yes, she did. She related several stories of sex
10 play with other children.

11 Q Can you tell us, were there any involving Melody?

12 A Not to my recollection, there was not any
13 involving Melody. Only Melody's father.

14 Q What about Melody's father. I don't understand
15 that.

16 A Just that he had pulled her pants down in the back
17 yard to remove some glass. And not having pulled her
18 underwear down or putting his hands inside her underwear.

19 Q And did she also relate to you a story about her
20 little brothers and herself?

21 A Her one little brother Timothy.

22 Q What did she say about Timothy?

23 A When questioned -- because the parents had
24 provided some stories as to how the injury could have
25 occurred to the child --

2 A Some possibilities. And one of them was that a
3 year ago Timothy -- Beverly had told the parents that Timothy
4 had been playing with her.

5 Q Uh-huh.

6 A And that would have made him about a year old at
7 the time.

8 Q Did you check that out with Beverly?

9 A Yes. Yes, I did.

10 Q What did she say?

11 A She said that, yes, he touches me there,
12 (indicating) in which she indicated to me that he touches me.
13 And she kind of touched my arm or my hand.

14 Q She didn't say that he put her hands inside her?

15 A That's correct.

16 Q And she said like this (indicating). Was she
17 cautious when she said that to you?

18 A No. She seemed very open.

19 Q Well, the hand movement you were making seems very
20 soft. I didn't understand.

21 A It was real soft. It surprised me.

22 Q Now, she also related a sexual experience with
23 someone named Anthony. Is that true or not?

24 A Anthony. I don't recall an Anthony.

25 Q A Tony?

Scanned Feb 29, 2012 A Tony or a Tanya is what I recall. A
2 ten-year-old and twelve-year-old in Germany that she did talk
3 about. There was a ten-year-old. I think it was a --

4 Q What about in Bell County? Was there a -- Did she
5 mention anybody else here in Bell County that she had, had
6 sexual encounter with?

7 A They did mention a Teamo Lucky.

8 Q All right. And how old is Teamo?

9 A Teamo is approximately eight years old.

10 Q How did she describe -- What does she refer to
11 her sexual organ as?

12 A A pussy.

13 Q She didn't use the word vaginal or vagina?

14 A No, she didn't.

15 Q And when you were talking to her, do you get the
16 impression that this kid is -- I'm trying to find the word --
17 sexually knowledgeable?

18 A Yes. I would say she has experience and knowledge
19 of sex.

20 Q All right. Is she pre-occupied with it?

21 A I feel that the child is. I'm not qualified to
22 diagnose a child. I feel as a worker, she is --

23 Q All right.

24 A -- a little pre-occupied.

25 Q Now, in your Affidavit the words are, "the child

Scanned Feb 29, 2012

stating cause I can't -- " I'm sorry. " The child
2 kept on stating I can't tell you because it will get them in
3 trouble." Who was them?

4 A I asked the child that. The child was very
5 careful at every point of the interview not to say him or her
6 or refer to them as she or he. She would always use them as
7 a reference.

8 Q Like more than one person had touched her?

9 A I had asked her that, and she just wouldn't answer
10 me.

11 Q How long did you question this child?

12 A I arrived at the hospital Saturday evening, due to
13 the request of the parents through the social services at
14 Darnall Army Community Hospital.

15 Q I'm sorry. I don't understand. They asked for
16 you specifically to be there or just someone be there?

17 A They insisted we conduct the interview as soon as
18 possible. I had told the parents earlier that I could not
19 interview the child because she had just been under
20 anesthesia for a pelvic examination, and she couldn't even
21 fix her eyes on this worker's face. And it was going to be
22 impossible to try to question a child as to what had happened
23 to her when she was incoherent.

24 Q But they wanted -- evidently, they were anxious
25 and wanted something resolved immediately as if you could

2 A That's correct.

3 Q -- and resolve the situation?

4 A That's correct.

5 Q They were anxious to get something done.

6 Something over with?

7 A They were anxious for the interview to be taken
8 place, yes, sir.

9 Q When you say "they," you're referring to him, too?

10 A Both parents.

11 Q All right. Now, this child, she seem different
12 one day to another to you?

13 A Could you explain what you mean by different?

14 Q Today she seems bright of eye with her head held
15 high. Other days have you ever observed in other ways where
16 her head is down all the time?

17 A I wouldn't say any more than anybody has a good
18 day or a bad day.

19 Q Did you -- When you were interviewing her, did you
20 see this child exhibit a flat affect? Do you know what that
21 means? No response.

22 A She was very cautious.

23 Q All right. She was cautious?

24 A Uh-huh.

25 Q But she had responses to what was said. I mean,

Scanned Feb 29, 2012 didn't -- when you were asking her questions, did
2 she -- did she not -- did she exhibit a spectrum of feelings
3 like joy, sadness, afraidness, so forth, or did she just
4 stare at you blankly?

5 A She exhibited some fear.

6 Q Some fear. Some anxiety?

7 A That's correct.

8 Q Okay. But she didn't just stare at you blankly,
9 is that right?

10 A No, she didn't.

11 MR. POTTER: Your Honor, if I might.

12 Pass the witness.

13 CROSS-EXAMINATION

14 MR. CARROLL: Q Ms. Paramore, was
15 it the day after she was sedated and checked by doctor --
16 with the pelvic doctor -- Miller and Mujica -- that you
17 talked with her, or was it the same day?

18 A No, it was the next day. It was on a Saturday.

19 Q And is it at this first meeting that you had with
20 her where she exhibited this fear that you've described?

21 A She had a flat affect when the parents were
22 present.

23 Q I'm talking about when you were there. Did you
24 talk to them without the parents -- talk to her without the
25 parents?

Scanned Feb 29, 2012 No, I did not.

2 Q The parents were there?

3 A (Nods affirmative).

4 Q Did you later talk to the child alone away from
5 the father and mother?

6 A When I interviewed her on Saturday night.

7 Q So it was just you and her then, I take it?

8 A That's correct.

9 Q How long did you talk to the child on that
10 Saturday night?

11 A Approximately from -- approximately between 5:30
12 and a little before 9 p.m.

13 Q Where were you all at?

14 A We were at Darnall Army Community Hospital.

15 Q Where at in the hospital?

16 A We were in her room.

17 Q Was it a private room?

18 A It was a two-bed room, but she was the only one in
19 the room occupying it.

20 Q Now, you mentioned some of the things she gave
21 you, as far as children. What about these two girls in
22 Germany. What was she saying then?

23 A She was stating that they used to play house. And
24 it was not two girls, it was a brother and sister. And one
25 was ten and the other one was twelve. And they used to play

Scanned Feb 20, 2012

1 And -- in which I asked her, "Well, what consisted of
2 playing house." She stated that the boy would be the father
3 and she was the daughter. And the boy's sister was the
4 mother. And I asked her what happened. And she said me and
5 the father would have sex. And that was indicating the
6 father and the daughter. Her and the boy.

7 Q Indicating an incestuous relationship?

8 A Well, in play.

9 Q Okay. But did you ask her and try to determine if
10 something that the child said could explain the injuries that
11 Dr. Mujica and Miller had found?

12 A I had questioned her about cuts. And she just
13 stated that she sat on some glass in a swing and that it had
14 went through her clothing and cut her?

15 A So I asked her what she was wearing. She stated
16 earlier in the day she was wearing a dress -- a special
17 dress. And then she changed into some old blue jeans, and
18 that they had holes in them, and that's how the glass cut
19 her. I asked her -- I drew a picture of a pair of pants on
20 my paper and asked her to relate to me where the holes were
21 in the pants. And she put holes where approximately the
22 pockets are in a pair of blue jeans.

23 Q Below the vaginal area?

24 A I would say probably even with the vaginal area.

25 Q Okay. Now, this Melody's s father, this man she

Scanned Feb 29, 2012 Yes. She indicated her father, Brian Troupe.

2 Q Did she ever indicate that anyone besides Brian
3 Troupe was sexually hurting her?

4 A She stated that -- at one point when I went over
5 the story about the glass, she state -- I asked her why she
6 hadn't went home when she got cut. And she said because she
7 was afraid. And I said, well, why were you afraid. And she
8 said because I didn't want my parents -- didn't want to tell
9 my parents. And I said, why were you scared to tell your
10 parents. She said because I was afraid they would open me up
11 and look for the glass. And I said, well, who opens you up
12 and looks at you. And she said, well, my mommy does when
13 there's something wrong. But when my daddy does, it really
14 hurts because he opens it up all the way.

15 MR. CARROLL: That's all I have, Judge.

16 MR. POTTER: Your Honor, may I approach
17 the witness?

18 THE COURT: Yes.

19 REDIRECT EXAMINATON

20 MR. POTTER: Q You recognize this,
21 do you not?

22 A Yes..

23 Q You see where I marked in brackets there or
24 parentheses?

25 A Uh-huh.

1 Q If I read this, tell me if this is your exact
2 words, please.

3 MR. CARROLL: Your Honor, we object to
4 him reading from any documents at this time until they're
5 properly introduced into evidence. This is his witness.

6 MR. POTTER: Your Honor, I don't see
7 what my witness has to do with anything, Your Honor. All I'm
8 asking her are these her words.

9 THE COURT: I sustain the objection.

10 Take the jury out a moment, please.

11 (Out of the presence of the jury)

12 THE COURT: Ask your question, please.

13 MR. POTTER: Sir, the question that I
14 was going to propose to this witness -- with the Court's
15 permission, I would make this my Bill of Exceptions.

16 THE COURT: Just ask -- I'm not ready
17 for you to do that as yet. Just go ahead so we can have --

18 MR. POTTER: All right.

19 THE COURT: -- this hearing outside --

20 MR. POTTER: -- Are --

21 THE COURT: -- the presence of the

22 jury.

23 MR. POTTER: -- these your words, ma'am?
24 "At that time, comma, the child stated that her mom had told
25 her that she doesn't remember who did that to her, period.

1 When the worker questioned the child about events that she
2 related of this adult to having done to her which involved
3 penetration of the anus, comma, penetration of the annus,
4 comma, penetration of the vagina, and also penal penetration
5 of the vagina, period. The child finally did admit to this
6 worker whom the perpetrator was, period. The child stated it
7 was my dad, period." I'd ask you, are those your words? And
8 are they exactly as you had them typed?

9 A To the best of my knowledge.

10 Q Yes?

11 A They are.

12 Q Is that what you meant -- They are?

13 A They are my words.

14 MR. POTTER: That's what I would ask
15 her, sir.

16 MR. CARROLL: And we would object to the
17 question because it's calling for the precise contents of the
18 document in question without the document itself being
19 exhibited in evidence, Your Honor.

20 MR. POTTER: Your Honor --

21 MR. CARROLL: It's certainly not a
22 statement inconsistent with her testimony.

23 MR. POTTER: Your Honor, we're not
24 saying it's an inconsistent statement. I'm asking her, did
25 she make that statement.

1 THE COURT: You may ask her. Bring the
2 jury in, please.

3 (In the presence of the jury)

4 THE COURT: You may ask your question.

5 MR. POTTER: Your Honor, I may come back
6 to it in a moment.

7 Q Ma'am, you questioned this child from five thirty
8 until approximately nine?

9 A That's correct.

10 Q Three and-a-half hours?

11 A We talked a lot of that time. It wasn't all
12 questions.

13 Q Okay. Three and-a-half hours talking and
14 questioning; is that correct?

15 A That's correct.

16 Q And it's towards the end of that time that, in
17 your words, she finally admitted that it was her father -- or
18 her dad; is that correct?

19 A That's correct.

20 Q Prior to that time, she kept saying it wasn't her
21 father; is that right?

22 A She was not stating that it wasn't. She just was
23 not saying who it was.

24 Q You asked her if it was her father, did you not?

25 A And she said no.

1 Q You asked her that specifically, did you not?

2 A That's correct.

3 Q More than once, did you not?

4 A Several times.

5 Q And finally after the talking and after the
6 questioning, she finally admitted that it was her father; is
7 that correct?

8 A That's correct.

9 MR. POTTER: Pass the witness.

10 RECROSS-EXAMINATION

11 MR. CARROLL: Q Ms. Paramore, this --
12 from your training and experience as a social worker, have
13 you had a lot of occasion to deal with sexually abused
14 children?

15 A Yes, I have.

16 Q Is it characteristic or pattern of sexually abused
17 children to act out sexually and play with other children?

18 MR. POTTER: Your Honor, if it please
19 the Court. Until she is qualified as a psychologist or
20 psychiatrist, I don't believe she's qualified to answer such
21 questions.

22 THE COURT: All right. Sustained.

23 MR. CARROLL: We'll withdraw it, then.

24 MR. POTTER: Your Honor, we would like
25, to have the jury instructed to disregard the question that he

1 made.

2 THE COURT: The jury is instructed to
3 disregard the question.

4 MR. CARROLL: We don't --

5 MR. POTTER: Your Honor --

6 MR. CARROLL: -- have any further
7 questions then.

8 MR. POTTER: Your Honor, at this time
9 the Defense respectfully moves for mistrial.

10 THE COURT: Overruled.

11 MR. POTTER: Thank you, Your Honor.

12 THE COURT: All right. He's passed the
13 witness, Mr. Potter.

14 MR. POTTER: Your Honor, we have no
15 further questions.

16 THE COURT: You may step down.

17 MR. POTTER: Your Honor, we would call
18 Aline Butts.

19 THE COURT: You may proceed.

20 ALINE BUTTS

21 DIRECT EXAMINATION

22 MR. POTTER: Q Your full name,
23 please, ma'am.

24 A Aline Evette Butts.

25 Q Ms. Butts, where do you live?

609