

1 wouldn't you believe her now?

2 A. I have no idea whether she would be believable now.

3 MS. BALDWIN: I'll pass the witness, Your
4 Honor.

5 | REDIRECT EXAMINATION

6 BY MR. PROCTOR:

7 Q. Just to clarify, you -- you -- you were saying that
8 strangely sometimes eight-year-olds do want to go home. You
9 mean, strangely in situations where there has been sexual
10 or -- or physical abuse they still want to go back to their
11 parents --

12 A. Correct.

13 | Q. -- is that what you're trying to say?

14 A. Correct.

15 MR. PROCTOR: Pass the witness, Your Honor.

16 MS. BALDWIN: I have nothing further, Your
17 Honor.

18 THE COURT: May she be excused?

19 MS. BALDWIN: Yes.

20 MR. PROCTOR: Yes, Your Honor, .

21 MS. BALDWIN: Your Honor, may -- may I approach
22 and ask a question please?

23 THE COURT: Sure.

24 (At the bench, and off the record)

25 MR. PROCTOR: Helen Paramore.

1 THE COURT: Is this your last witness?

2 MR. PROCTOR: Yes, Your Honor.

3 THE COURT: Okay. I got -- got the courtroom

4 for tomorrow, but if we can finish the testimony, I think in

5 about thirty minutes?

6 MS. BALDWIN: I'm biting my tongue, Judge.

7 THE COURT: Yeah. I know.

8 MS. BALDWIN: I -- I -- because I forgot to do

9 something I need to recall Beverly Troupe just -- it's going to

0 be real quick. I need to get some things into evidence.

1 THE COURT: Okay.

2 MS. BALDWIN: And -- and I apologize but I --

3 THE COURT: That's okay.

4 MS. BALDWIN: -- I failed in my duties this

5 morning.

6 THE COURT: I -- I do want it quit by five.

7 Well, I've got a quit, because I've got to pick up my wife at

8 the hospital.

9 MS. BALDWIN: Okay.

0 THE COURT: You need a break?

1 COURT REPORTER: I'm okay.

2 THE COURT: Would you raise your right hand.

3 In the matter on trial do you swear the testimony you shall

4 give shall be the truth, the whole truth and nothing but the

5 truth so help you God?

1 THE WITNESS: I do.

2 THE COURT: Please be seated.

3 HELEN PARAMORE RYFA

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. PROCTOR:

7 Q. Miss -- I think it's Ryfa now. Would you state your
8 complete name for the record?

9 A. It's Helen Ryfa.

0 Q. Okay. Ryfa. I'm sorry.

1 COURT REPORTER: I'm sorry. Can you spell that
2 please?

3 THE WITNESS: R-y-f-a.

4 Q. (BY MR. PROCTOR) And what city do you currently
5 reside in?

6 A. Newark.

7 Q. And that's in what state?

8 A. Delaware.

9 Q. Okay. And at one time, did you live and work here
0 in Bell County?

1 A. Yes.

2 Q. Okay. Are you originally from Bell County?

3 A. Yes.

4 Q. Okay. Let me take your attention back to 1986. I
5 assume that you were living and working here at that time. How

1 | were you employed?

2 A. I was employed by the Division of Family
3 Services --

4 Q. And --

5 A. -- as an investigator.

6 Q. Okay. And that is -- that was a division of the
7 Department of Human Services?

8 A. Today, I believe, it's called the Division of Human
9 Services --

10 O. Okav.

11 A. -- Health and Human Services. It was the Division
12 of Family Services then.

13 0 Back then - Yeah

14 A Yes

9. They change their names quite frequently so --

16 A. Correct.

17 Q. And how long have you been working there in

18 | 19 -- by 1986?

19 A. Less than a year.

18 | 19 -- by 1986?

19 A. Yes

20 | Q. Okay. Okay. And

21 so I assume that your duties included the -- well, primarily
22 the investigation of child abuse cases?

23 A. Correct.

24 Q. Let me take your attention to December of that year.

25 Did you in the course of your duties investigate a child abuse

1 case involving an eight-year-old female by the name of Beverly
2 Troupe?

3 A. Yes.

4 Q. And how did your agency become involved in the case?

5 A. I believe that a referral was called in to the
6 Killeen office, in which I was located, after five p.m., and a
7 referral was made by the hospital.

8 Q. Okay. That would have been --

9 A. Darnell. Darnell.

10 Q. Darnell. Okay.

11 A. Uh-huh.

12 Q. Okay. And do you recognize the name Jean Cross?

13 A. Yes.

14 Q. Okay. And how does she figure into this -- this
15 case?

16 A. She was also a investigating case worker out of that
17 office.

18 Q. Uh-huh.

19 A. But she had, I believe, been the case worker that
20 received the call, and so she wrote up the initial intake form.

21 Q. I see. And then from that you got assigned the
22 case?

23 A. Yes. I -- every so often, we had to do emergency
24 on-call nights. And that would start at five o'clock that day
25 and it would go all the way until eight o'clock the next

1 morning. And you would cover five counties. And any referrals
2 coming in after five p.m. were given to that case worker. And
3 I believe, hers came in just very, very shortly after five.

4 Q. Uh-huh. I see. Now, while we're on the subject,
5 you have this -- you've talked about five counties -- covering
6 five counties and what have you. What would your -- what would
7 you estimate your case load in terms of number of cases to have
8 been back then?

9 A. Probably at minimum thirty; thirty cases. And then
10 there were cases that were unfounded that were added to that.
11 So I had cases that were in conservatorship, cases that were in
12 ongoing treatment and also, you know, foster care or
13 investigation. So there were different phases that cases were
14 in, so while they might not be on an active case load, I still
15 had to follow a case.

16 Q. Okay. Now, when the referral came in, it was from
17 the hospital, so I assume, that your first involvement in the
18 case was after the child had already been admitted to the
19 hospital?

20 A. Correct.

21 Q. Okay. And if my -- I believe that the date was
22 December 10th of 1986, that this admission to the hospital
23 happened?

24 A. Umm. I would have to look at --

25 Q. Okay.

1 A. But, yes. Right in that area.

2 Q. Okay. And when you -- I -- and what did you do
3 after you got the referral?

4 A. Once I got the referral, I went to Darnell Army
5 Hospital.

6 Q. And who was the first person that you made contact
7 with about the case?

8 A. I talked to a Dr. Samuel Mujica.

9 Q. Okay.

10 A. He was a pediatrician.

11 Q. Okay. And was he the doctor who had examined the
12 child?

13 A. Yes.

14 Q. And do you recall him telling you why he had made
15 the referral?

16 A. Yes.

17 Q. Okay. If you look at what's been marked as, I
18 think, State's Exhibit B and admitted --

19 A. Thank you.

20 Q. -- this is Dr. Mujica's statement. And in it he
21 makes -- references his findings as to why he admitted the
22 child to the hospital. Do you recall what some of those
23 findings were?

24 A. One was that the child had been taken to the
25 hospital and I -- I believe, what I recall was a -- she had

1 been giving -- given a scrip for medication to take for the
2 burning. And then later, the parents brought her back to the
3 emergency room, and in the emergency room, -- he was on-call in
4 the emergency room. And he came in and examined her. And what
5 -- it was also burning upon urination.

6 And he -- the parents had given him no reason
7 as to why they had not, you know, gotten the medication for the
8 child. So he did a -- a further examination than you would
9 initially for a UTI or a urinary tract infection.

10 And upon that examination, he noted that there
11 were vaginal lacerations, and that for her age she -- her
12 vagina size was extremely large for a child her age. And that
13 -- he questioned the parents and they couldn't give him any
14 reason as to why, you know, this was, you know, there.

15 And so he admitted the child for a social
16 admission. And that type of admission is not one where there's
17 a -- a medical cause like a heart attack or something like
18 that. But it is more, they need to keep the patient there to
19 run other tests. And so she was socially admitted. And then a
20 call was made to us.

21 Q. I see.

22 A. So -- so he had stated that he believed that sexual
23 abuse had been occurring due to what he had noted upon
24 examining her. And he states -- he states, in his record, that
25 they had told him that there was a brother in Nevada that had

1 been arrested for sexual abuse. And -- and had been told the
2 same thing was going to happen to their daughter, Beverly.

3 Q. So these were explanations for her condition
4 that --

5 A. Yes.

6 Q. -- they gave -- that he gave the parents? Are -- do
7 you know if he -- well, let me -- let me back up. Were the
8 parents there when you arrived?

9 A. Yes. They were in the room with her.

10 Q. Was the decision made to keep her in the hospital
11 before you arrived? So she was admitted before you arrived?

12 A. Yes.

13 Q. Okay.

14 A. She was already in a room.

15 Q. She was already in a room?

16 A. Yes.

17 Q. Okay. Now, at that point, had the parents been told
18 why she was being admitted?

19 A. I --

20 Q. Or do you know?

21 A. I don't know.

22 Q. Okay.

23 A. I don't know if they had been.

24 Q. Now when she was -- she was already in the room; the
25 parents were in the room with her?

1 A. Correct.

2 Q. Was that your first contact, with the parents, in
3 the room, with Beverly?

4 A. That's the first contact.

5 Q. Okay. Did you speak to the parents at all?

6 A. Yes.

7 Q. Okay. Did they express surprise that this was going
8 on and -- and did they say they haven't been told anything
9 about what was going on or -- or do you recall?

10 A. They seemed very calm. And the mother seemed very
11 distressed. The father was just very quiet. And he -- he
12 didn't talk much.

13 Q. Now, did you talk to Beverly at all at that first
14 meeting?

15 A. Yes.

16 Q. Did you talk about any of the findings that the
17 doctor had made?

18 A. No.

19 Q. Okay. And why was that?

20 A. As an investigator there is a lot of protocol that
21 you follow when you are questioning children. And when you go
22 out of order in that, what you've done is subject your
23 investigation to outside influences. And that could be a look
24 from the parent. That could be them saying something. Just
25 their presence is a mitigating circumstance. And it will

1 unduly influence any type of rapport that you want to be able
2 to build with the child. So questioning them -- questioning
3 her in front of the parents would not have been a good
4 investigative move.

5 Q. Uh-huh. So you -- you didn't question her about any
6 of these findings at that point.

7 A. Just in general. Just --

8 Q. Just in --

9 A. -- you know --

10 Q. -- in general?

11 A. -- you're here because you're burning and you're
12 hurt. And just very general conversation.

13 Q. And so -- so the -- your -- your part in the initial
14 investigation is concluded for that day. And you, basically,
15 leave. Is that how that happened?

16 A. No.

17 Q. Okay. What happened?

18 A. I had asked the parents if they could step outside
19 while I spoke with Beverly. And both parents stated no.

20 Q. So they wanted to be present --

21 A. They -- they were going to be there. And they stood
22 right next to her bed with their hands on each side of the
23 rail. Which was a very intimidating posture for them to be in
24 with her and me questioning. So, at that time, I left and went
25 downstairs into the hospital. And was filling out some notes

1 about what had happened. And witnessed the parents leaving the
2 hospital.

3 Q. Okay. And so what -- what happened, at that point,
4 at -- when you knew they were -- saw them leaving?

5 A. Yes. I went back upstairs to the Pediatric Ward. I
6 spoke with the nurse -- floor nurse. And I explained to her
7 that I would like to be able to go in and, you know, have some
8 conversation with Beverly. And that, you know, I -- I really
9 did not have a -- a good opportunity to speak to her without
10 there being the fear factor.

11 Q. Now, did you -- did you get a chance to speak to her
12 alone that day?

13 A. Beverly?

14 Q. Uh-huh.

15 A. Yes.

16 Q. Okay. And did she say anything, basically, about
17 the allegations?

18 A. Yes.

19 Q. That day?

20 A. Yes.

21 Q. Okay. What do you recall that -- did she confirm
22 them? What did you recall that was -- was said?

23 A. Initially, I would -- I would state, probably the
24 first two hours that I was there with her, I just asked general
25 questions, you know, about school. About, you know, did she

1 like to do this or just conversation. Not anything to do with
2 why she was there, injuries, or anything like that.

3 I also went through a -- a little vignette that
4 I always go through with any child that I'm questioning. And
5 that is the truth and lie. And, you know, going through
6 whether or not they know the difference. You know, if I said,
7 "I came from the moon. Could you tell me if I'm lying or --
8 or, you know, telling the truth?" And I would give her, you
9 know, four or five examples. And she would answer those.

10 And when I was fairly certain that she had a
11 good grasp on what was a lie and what was the truth, I started
12 delving a little deeper with her into why she was in the
13 hospital. And so --

14 Q. Now, let me stop you. And that -- that day did
15 you -- did she deny that anything had happened to you, or did
16 she admit that -- that something had happened --

17 A. Both.

18 Q. -- something to her?

19 A. Both.

20 Q. Okay.

21 A. Both.

22 Q. Both.

23 A. Initially deny.

24 Q. Okay. And did she give you a reason why she
25 couldn't talk to you about it?

1 A. She initially denied that someone at home had done
2 it. And she kept -- she didn't -- she didn't deny that it
3 happened. She denied that someone at home had done it. And
4 she did not state him or her or it as a pronoun. She just kept
5 saying, "If I tell you, I'm going to get in trouble." And --

6 Q. Who did -- who did she say was going to -- she was
7 going to be in trouble with if she told you?

8 A. She was going to be in trouble with her mom and dad.

9 Q. Uh-huh. If she told you?

10 A. Yes. And that was before she revealed who she
11 meant.

12 Q. Uh-huh. Now, you say, in the first, I think, you
13 said, two hours --

14 A. Yeah. It was --

15 Q. So --

16 A. -- about an hour, hour and a half; something like
17 that.

18 Q. Okay. So in total, you spent how many hours with
19 her that night?

20 A. With the parents there probably about twenty or
21 thirty minutes.

22 Q. Okay.

23 A. And then I left about 8:30 so -- I think visiting
24 hours are over with about 6:00. And so I would say between two
25 and a half and three hours.

1 Q. Three hours. Okay. Now, this is come up numerous
2 times. When she started to elaborate on what happened and who
3 did it, did you suggest, at any time to her, what to say?

4 A. No.

5 Q. Did you tell her something like, "Tell me your daddy
6 did this to you." Or anything like that?

7 A. Absolutely not.

8 Q. Did you ever suggest to her a perpetrator?

9 A. No.

10 Q. Okay. So basically, your -- your tactic was to let
11 her tell you the story of what happened?

12 A. That's correct.

13 Q. Now, from my reading of -- of your information and
14 then -- and the offense report, tell me -- if I'm correct or
15 not, she was examined in the morning and she -- she wasn't
16 examined. She -- she was complaining in the morning of burning
17 urination, taken to the ER in the pediatric part of the
18 hospital, then she was released from there and then later that
19 night she -- and the morning happened with the mother only.

20 Then at night, both parents took her to the ER?

21 A. Correct.

22 Q. Okay. Now, from there she was admitted by the
23 doctor, and she was subsequently given a test for further
24 examination with this blue dye. And that examination turned up
25 lacerations, abrasions, what -- what have you. Then she was

1 given another examination with the dye. And this time with Dr.
2 Mujica and another doctor who was an OB/GYN, a Dr. Brad Miller,
3 I believe the name was. And that was on a subsequent day. And
4 she was sedated for that examination?

5 A. Yes.

6 Q. Okay

7 A. Yes. I -- I believe that she was seen in the
8 morning with her mother and that they left. And that they
9 returned back to the emergency room sometime later. And at
10 that time, the doctor delved a little bit deeper into, you
11 know, what was wrong.

12 And his findings appeared to suggest there was
13 something amiss about what was happening with the daughter.
14 And he admitted, and then a referral was called into us. And,
15 I believe, the next day she had the talula (sic) -- taluda dye.
16 (sic) And I may be saying that wrong. But it was a test where
17 a blue dye is placed in and around the vagina and this blue dye
18 will light up tears, lacerations, even stretch marks where
19 injuries have occurred, past and present. And that occurred
20 and it showed lacerations, it showed a very, very lax anus and
21 a very -- quite large vagina.

22 MS. BALDWIN: Objection. A -- a relaxed anus
23 has never been in the evidence in our court.

24 MR. PROCTOR: She was just testifying to the
25 issues.

1 THE COURT: I said I'd allow it if it was
2 relevant.

3 MS. BALDWIN: Yes, sir. I -- I -- yes, sir.

4 THE COURT: Overruled.

5 Q. (BY MR. PROCTOR) When -- at what point, were the
6 parents informed that there was suspected sexual abuse and
7 barred from the hospital?

8 A. I believe, and -- I believe, after the examination
9 of Dr. Mujica when he had performed the dye.

10 Q. Okay.

11 A. Dye treatment.

12 Q. Now, moving on to her -- Beverly's custody at that
13 point, did the Department take steps to insure that she would
14 not be returned to the home while this alleged perpetrator was
15 still there?

16 A. Steps were taken. Initially, the mother was
17 questioned and told what the protocol is on a sexual abuse
18 case. And that the Department would not remove the child if
19 the remaining parent could assure the Department that there
20 would be no contact with the alleged perpetrator. And the
21 child could remain in the home. If the remaining parent
22 refused to -- to limit contact or not have any contact with the
23 alleged perpetrator, then the Department would ask for a
24 temporary voluntary conservatorship. A form that the parents
25 filled out -- and that that was temporary. It had a time limit

1 on it and that -- that was only to be until the duration of the
2 findings.

3 Q. The investigation?

4 A. Yes.

5 Q. Right.

6 A. And that this, in no way, gave a termination of
7 parental rights. This was just for the time period of the
8 investigation and findings.

9 Q. Now, when -- and this was -- in -- in this case in
10 terms of notifying the remaining or the parent not the one who
11 was accused that this -- this would be the protocol and this
12 would happen if she gave the Department certain assurances.
13 Now, when you removed -- I assume that you removed Beverly from
14 the home, did you also remove one of the other children from
15 the home?

16 A. Yes. Constance, the one-year-old.

17 Q. Okay. And your reason for doing that was -- was
18 what?

19 A. During the investigation -- sexual investigation of
20 children in the home, if females are the alleged victims then
21 it -- it covers all female children --

22 Q. I see.

23 A. -- in the home. We don't just take out one. We
24 take out what could be, you know -- I'm -- I'm sorry. I'm kind
25 of going blank. It's --

1 Q. I --

2 A. So that there's no possibility of other sexual abuse
3 occurring --

4 Q. Right. I understand.

5 A. -- without a -- a finding of not founded.

6 Q. Right. So she was removed. Now, so are you -- is
7 your testimony then that this was explained to the mother,
8 Laverne Troupe, and she told you that she would not give you
9 any assurances that he would have no contact with her?

10 A. That's correct. She wouldn't. And at that time, I
11 spoke with Dr. Mujica again and stated, "This is what the
12 mother has related to me. And could you step in so I don't
13 have to remove the children, could you step in and remand him
14 to the billets and, you know, call his commanding officer and
15 remand him to the billets so that we don't have to remove these
16 children." And he said, "Absolutely."

17 And he called the commanding officer as I was
18 standing there. And he was -- said that he -- he would get in
19 touch with him and that he would remain there and not have any
20 contact, going to the house, the location.

21 Q. Now, in this -- in that situation if -- Beverly
22 could have been placed back in the home --

23 A. She could have remained in the home --

24 Q. -- I'm sorry. Remained in the home?

25 A. That's correct.

1 Q. Because she hadn't been formally taken out. She
2 didn't --

3 A. That's correct.

4 Q. -- remain in the home? Okay. Now, why was that?
5 And did you explain that this had been done to the mother,
6 Laverne Troupe?

7 A. I explained to the mother that -- that with her
8 assurances that no contact would be allowed between the alleged
9 perpetrator and the alleged victim, she could remain in the
10 home -- she -- the -- the children could remain in the
11 home. If she couldn't give me assurances that she would not
12 allow that, and that she could display the -- display to me
13 that she was willing to let this be investigated and have her
14 protect the children, which she did not. She stated, "You --
15 you can take her, because she's lying, and he didn't do
16 anything."

17 Q. Now, continuing then with the -- your investigation,
18 she was at first reluctant to talk. Did you talk to her a
19 subsequent day about the allegations or was
20 it -- this three hour conversation, did she finally admit to
21 all these things that were being said by the -- well, I'm
22 sorry. Did she admit -- admit that -- that she was being
23 sexually abused that -- during that three hour conversation?

24 A. Yes.

25 Q. Okay. Now, during that conversation, did you

1 suggest to her what had been done to her?

2 A. No.

3 Q. So you -- you did not, at any point, suggest
4 that she had been sexually abused by her father?

5 A. I was professionally trained by a Multi-Disciplinary
6 Intervention for Child Sexual Abuse on what needed to take
7 place in what time frames and in what steps. And that
8 absolutely would not have been one of the steps.

9 Q. Let me take your attention to the aftermath of the
10 trial. Now, once the -- the defendant, in this case, had been
11 convicted of his offense and was sentenced to a term of
12 imprisonment and was obviously not going to be in the home any
13 longer, would it have been possible to place Beverly back in
14 the home?

15 A. Absolutely.

16 Q. And after the trial, did you speak to the mother and
17 suggest that this could be done now?

18 A. Yes.

19 Q. Okay. And do you recall what her response to your
20 suggestion was?

21 A. I don't want her.

22 Q. So she said, "I don't want her." And usually, these
23 cases, you can correct me if I'm wrong, if the child cannot be
24 placed with a parent then they -- you will choose or try to
25 find a family member to place the child with. Were there any

1 family members that you were aware of or were you instructed
2 not to even contact them or -- or how did that happen?

3 A. Typically, it follows a -- a flow of biological
4 parents, parents, and then it goes down to aunts and uncles
5 and -- and -- and sometimes it can even be a friend of the
6 family, you know, if they approve of that. But as a Department
7 of Family Services case worker, our main goal was to try to
8 always keep the child in the home or with a relative placement
9 because our system was overloaded.

10 And children in the system did not -- you know,
11 did not flourish as well as they could being at home. So our
12 first and foremost objective was for her to go back to her
13 mother. And her mother rejected her.

14 Q. Did she, at any time after, to your knowledge while
15 you were -- let me ask you this first; how long did you stay
16 at -- at the Department after 1987?

17 A. Six months maybe.

18 Q. Okay. So you -- you kind of left
19 immediately --

20 A. Yes.

21 Q. -- after this case was over?

22 A. Yes.

23 Q. I see. While you were still involved with the case,
24 did -- were you contacted by a family member or the mother
25 asking to -- to rearrange the -- the placement so she could be

1 placed in the home or with a family member or -- or something?

2 A. No.

3 Q. Now, you see Kathy Phillips here, our investigator
4 who was also involved in this case. Do you recall her being
5 with you when you spoke to the mother about this?

6 A. I recall Mr. Carroll. And you know, I am about
7 seventy percent sure that she was also there. But no. I
8 couldn't say one hundred percent that I knew that she was
9 there.

10 Q. Okay. Let me show you another document that has
11 been marked State's Exhibit D -- entered into evidence as
12 State's Exhibit D. It's an -- a Decree of Termination
13 involving Beverly Troupe. Now, you said you left, maybe, six
14 months after this trial concluded. Was -- to your knowledge,
15 was a termination in the works when you were involved with the
16 case? A Termination of Parental Rights?

17 A. After the --

18 Q. After the trial?

19 A. After the -- after the trial.

20 Q. After the trial.

21 A. And the subsequent rejection by the mother she was
22 placed in foster care and I would -- I would say that she
23 probably was in limbo for a -- a -- there's a eighteen-month
24 period a lot of times. And then they try to put the child up
25 for adoption. Beverly's age dictated how easily or difficult

1 that could be because she would -- she would at that time be
2 ten or eleven or something like that. And -- and most people
3 want young children. And so they spent a lot more time in
4 foster care than -- than your average eight or younger.

5 And -- but we do not do a termination unless we
6 have absolute word from the parents that they do not want the
7 child back and there's nobody they want the child with before
8 proceeding with termination. That's the last -- that's the
9 very last thing prior to the termination of parental rights.

10 Q. So you -- your testimony is that you didn't -- you
11 don't have any knowledge of this?

12 A. No.

13 Q. And you did not know that it happened? Now,
14 with -- with all your other cases and everything else going on,
15 would there be any truth to allegations that this was,
16 basically, contrived by the DA -- by the department to charge
17 somebody with something they didn't do? That -- this
18 being -- this -- meaning this case was contrived?

19 A. I would never want to put that amount of work on my
20 desk. No.

21 | MR. PROCTOR: Pass the witness, Your Honor.

22 | THE COURT: Okay.

23 MS. BALDWIN: May I proceed, Your Honor?

24 | THE COURT: Yes.

25 CROSS EXAMINATION

1 BY MS. BALDWIN:

2 Q. Good afternoon, Ms. Paramore. Now, you indicated
3 that on the day that Beverly came into the hospital that the
4 parents were there until about six o'clock, visiting hours were
5 over, and then you returned to the room, right?

6 A. Correct.

7 Q. Okay. It's an eight-year-old child, right?

8 A. Yes.

9 Q. Okay. And you estimate that -- you estimate that
10 your questioning of her went on for two and a half to three
11 hours?

12 A. My having conversation with her was two and a half
13 to three hours. The questioning was not two and a half to
14 three hours.

15 Q. Okay.

16 A. There --

17 Q. Would you agree --

18 A. -- is a large difference in establishing a rapport
19 and/or eliciting answers investigatively.

20 Q. Okay. Would you agree that two and a half to three
21 hours is a long time for an eight-year-old child getting toward
22 bedtime?

23 A. No, I wouldn't.

24 Q. Okay. So you don't think a child that had spent
25 all -- been up early in the morning, went to the doctor, then

1 went to school, spent all day in school, came home, went
2 directly from home to the hospital without having a meal, and
3 now, she's in the hospital and it's two and a half to three
4 hours later after her parents then have left; you don't think
5 that would be a long day for an eight-year-old?

6 A. I have no knowledge of how her day was.

7 Q. Okay. Do you have any children of your own?

8 A. Yes.

9 Q. Okay. Would you agree that when it starts to get
10 toward bedtime that they -- that they're not always the best or
11 the easiest people to deal with?

12 A. I would say that they have their good moments and
13 their bad moments.

14 Q. Okay. But basically, toward the end of the day,
15 especially when it starts to get toward bedtime --

16 MR. PROCTOR: Your Honor,, we're going to
17 object as to this being asked and answered.

18 MS. BALDWIN: I haven't finished the question
19 yet.

20 THE COURT: This is getting a little
21 argumentative. Let's move on to something else.

22 MS. BALDWIN: Okay.

23 Q. (BY MS. BALDWIN) So after -- initially, during your
24 conversation she admitted nothing, right?

25 A. She admitted that -- she admitted that something had

1 happened but not who.

2 Q. Well, I refer you to your statement. Do you
3 remember the affidavit that you did whenever you, I guess, were
4 preparing to turn this case over to the DA's office
5 you -- you wrote an affidavit?

6 A. Which -- which paper is that? Because --

7 Q. You know, I don't have a complete affidavit.

8 MS. BALDWIN: Do you? I don't -- two pages --
9 I'm looking for something that's not complete. And I
10 apologize. I don't want to show you anything that's
11 incomplete.

12 MR. PROCTOR: This?

13 MS. BALDWIN: Thank you.

14 Q. (BY MS. BALDWIN) All right. I just want to refresh
15 your memory a little bit on this if you don't mind.

16 A. Okay.

17 Q. Do you recall writing an affidavit that you
18 submitted to the District Attorney's Office about this case?

19 A. I -- I -- you know what? I was reading this. I --
20 I apologize for --

21 Q. That's okay. Go ahead.

22 A. Could you restate your question?

23 Q. Yes, ma'am. Do you remember submitting an affidavit
24 to the District Attorney's Office or to anyone concerning this
25 case?

1 A. Yes.

2 Q. Okay. All right. And what you're holding in your
3 hand there, is that the affidavit that you submitted?

4 A. It appears to be, yes.

5 Q. Okay. I'm going to take you down to
6 approximately -- one, two, three, four, five, six, seven,
7 eight, nine, 10 lines down. And you'll see on the right-hand
8 side the -- it says 5:15 p.m.

9 A. Here? Yes.

10 Q. Okay. And you say, "The child was thoroughly
11 questioned during which the first part of the interview the
12 child adamantly denied that anyone had hurt her." Do you see
13 that statement?

14 A. Yes.

15 Q. Okay. So when you were thoroughly -- you state that
16 you thoroughly questioned her; is that correct?

17 A. Yes.

18 Q. Okay. So when you say you were just having a talk
19 with her, that's not what was going on, was it?

20 A. I thoroughly questioned her after I had already
21 established a rapport that was not -- it was not putting her
22 through investigatively questioned.

23 Q. Okay. And when you say you -- she did not -- she
24 adamantly denied that anyone had hurt her, at what point
25 during -- at this two and a half, three hour mark, at what

1 point did she finally say to you that something had happened?

2 A. She had initially denied that anyone had -- anyone
3 had hurt her. And then she admitted that someone did, but she
4 couldn't say who.

5 Q. Yes, ma'am. But --

6 A. It would get her in trouble.

7 Q. Yes, ma'am. The -- but that's not my question.

8 A. Oh, I'm sorry.

9 Q. Okay. If you went back at six o'clock to begin your
10 interview with her, because I think you said you -- the parents
11 left at six, right?

12 A. I -- you know, I -- I'm not sure what -- I'm not
13 sure what time they left. I just know that I was there in the
14 room.

15 Q. Well, a minute ago you said --

16 A. Several hours.

17 Q. Yes, ma'am. A minute ago you said that six o'clock
18 was the end of visiting hours and the parents left and you went
19 back?

20 A. Yes, that's correct.

21 Q. Okay. So was it seven o'clock when she admitted
22 that something had happened?

23 A. I -- you know, I would not be able to say an exact
24 time. No.

25 Q. Okay. All right. Well, was it closer to the end of

1 your interview or closer to the beginning of your interview or
2 was it in the middle? Because we have --

3 A. I would say that it was about two-thirds into the
4 interview --

5 Q. Okay. So --

6 A. -- or into the conversation.

7 Q. Yes, ma'am. So if it's two-thirds and it was a
8 three hour interview that means two hours. That's six o'clock,
9 seven o'clock, at eight o'clock, she finally -- you say she
10 finally admits that something happened after you had thoroughly
11 questioned her. Is that -- would that be a true statement?

12 A. Yes --

13 Q. Okay.

14 A. -- that she'd admitted.

15 Q. All right. At eight o'clock, don't you think she's
16 tired of talking to you or anybody else?

17 A. The child did not appear tired to me.

18 Q. Okay. Now, you also testified that you removed
19 Beverly or that Beverly was removed because Laverne could not
20 tell you or assure you that there would be no contact with
21 Brian, right?

22 A. Correct.

23 Q. Is it true or not true that you just said that
24 before you left, after that initial interview, but correct me
25 if I'm wrong, was it after the initial interview with Beverly

1 between the six o'clock and the eight o'clock or nine o'clock
2 period that you talked to Dr. Mujica about having Mr. Troupe
3 removed -- restricted to the barracks? Was it that same night
4 that that happened or was that another day?

5 A. I believe that was the next day and --

6 Q. Okay. Okay.

7 A. Yeah.

8 Q. Okay. So on the next day you spoke with Dr. Mujica
9 and said you wanted to insure the safety of all the children,
10 right?

11 A. Correct.

12 Q. Okay. And you asked that Dr. Mujica call somebody
13 on the base and have Brian restricted to the barracks, right?

14 A. Correct.

15 Q. I -- I believe you called the billets?

16 A. Yes.

17 Q. Okay. And I -- I don't know which one's right. I
18 don't really care. But anyway, and so, at that point, you knew
19 that he was not going to be able to go back home?

20 A. No. I did not know that.

21 Q. Okay. Did Dr. Mujica say that he was going to take
22 care of that?

23 A. He took care of that while I was standing there.

24 Q. Okay. And he -- you heard him make a phone call,
25 right?

1 A. Correct.

2 Q. And according to the military, once an order is
3 issued that's it, right?

4 A. Well, no. I can't really say that.

5 Q. Okay. Did you have any reason to think that Brian
6 Troupe was going to go back to his home?

7 A. I had reason to believe that the mother would not
8 stop him.

9 Q. No, ma'am. That's not my question. Did you have
10 any reason, after Dr. Mujica's call to the base commander or
11 whomever he called, do you have any reason to believe that he
12 would be going back to his home?

13 A. Yes.

14 Q. You did?

15 A. Yes.

16 Q. Okay. And so you didn't think that the military was
17 going to do what they said they were going to do?

18 A. I had concerns.

19 Q. Okay. And so that's why you removed Constance?

20 A. According to sexual abuse investigations it covers
21 all the female --

22 Q. Okay.

23 A. -- children in the home.

24 Q. No, ma'am. That -- you removed the child, right?
25 That child?

1 A. Yes.

2 Q. Okay. And how long was that child removed for?

3 A. I -- I don't recall.

4 Q. But eventually, that child was returned home, right?

5 A. That's correct.

6 Q. As a matter of fact, the two girls were in the same
7 foster home?

8 A. Correct.

9 Q. Okay. And they were there for some time, even after
10 Brian Troupe was restricted to the billets and even after he
11 was in jail was when she was finally returned, right?

12 A. I have no knowledge of what the timeline was.

13 Q. Okay. You were the case worker, right?

14 A. I wasn't the case worker all the way through to the
15 end. No.

16 Q. Oh, okay. Okay. Now, when you became -- when you
17 started to investigate this case you had been with the DFS as
18 an investigator for less than a year, right?

19 A. Correct.

20 Q. Didn't have a whole lot of experience, did you?

21 A. Training and whatever time that I had.

22 Q. Okay. Let's talk about that training. You just
23 indicated a few moments ago that you had a Multi-Disciplinary
24 Interview Technique Training for children?

25 A. MISCAIT, M-i -- M-i-s-c-a-i-t. Yes.

1 Q. Oh, okay. Could you tell me what that training
2 involved?

3 A. It involved interviewing perpetrators. It -- it --
4 it involved the interviewing of alleged victims and alleged
5 perpetrators. And it also went into the dynamics of -- of
6 sexual offenders.

7 Q. And I'm sorry. And I -- I appreciate you giving me
8 the whole thing. But I just want to concentrate on just that
9 little piece about interviewing the victims. Can we do that?

10 A. Sure.

11 Q. Okay. Could you tell me what the training involved
12 on just the interview of victims? What were you taught on the
13 technique?

14 A. That it had to follow a protocol.

15 Q. Okay. And what was that protocol?

16 A. That you had to, in certain cases, interview in a
17 certain manner.

18 Q. And what was that manner?

19 A. It depends on what -- it depends on the -- it
20 depends on what the -- what's happening in the case. It's not
21 the same on every case.

22 Q. All right. In this particular case, what was your
23 interview protocol for this child?

24 A. Not to question her about the abuse in front of the
25 parents.

1 Q. Okay. And that was it?

2 A. No. That was the initial part of that.

3 Q. Okay. Did it involved the fact that you could
4 question her for three straight hours? Was that part of the
5 protocol?

6 A. I didn't interview her for three straight hours.

7 Q. You said two and a half to three hours. I'm just
8 going by what you said?

9 A. I was with her and establishing a rapport for over
10 half the time that I was there. And that rapport was who are
11 your girlfriends? You know, what do you like to watch on TV,
12 what grade are you in? And all -- all kinds of other things.

13 Q. Okay.

14 A. Not having to do anything with the case.

15 Q. Okay. How much protocol can you establish with an
16 eight-year-old? After so much time, you run out of things to
17 talk about, don't you?

18 A. Establishing a rapport with a child?

19 Q. Right. I mean, after you ask her what grade she's
20 in, where does she live and how many sisters and brothers, and
21 who are your friends, your best -- favorite colors and those
22 things, what else do you talk about?

23 A. Well, you talk about what's the truth and what's a
24 lie and --

25 Q. Okay.

1 A. -- then you move into --

2 Q. And I remember you --

3 A. -- gently asking, you know, what -- why do they
4 believe they're at the hospital and -- and further questions.

5 Q. Uh-huh. And what did she tell you when you asked
6 her why she believed she was at the hospital?

7 A. Because her pussy was hurt.

8 Q. Okay. And she used the word pussy?

9 A. Yes, she did.

10 Q. And do you understand that that was not a word that
11 was common in that household, nor was it a word that was --
12 that you used in your report?

13 A. I will -- I'm not -- I'm not positive, but I do
14 believe I used that word, because I believe I made the comment
15 that she was the one that used the word, and I was surprised
16 that she used it.

17 Q. No, ma'am. If I -- I'm looking at the same
18 affidavit that we have.

19 A. Okay. Okay.

20 Q. This is your affidavit, right? You used words like
21 digital penetration of the anus, digital penetration of the
22 vagina, and penal penetration of the vagina.

23 Now, if this child said to you that her pussy
24 was hurting, why would she get on the witness stand in a
25 courtroom and start talking about her vagina if somebody hadn't

1 told her that word?

2 A. I couldn't answer that.

3 Q. Now, you testified a few minutes ago that there was
4 a relaxed anus. That you -- the doctor's report said that
5 there was a relaxed anus; you remember that?

6 A. Yes.

7 Q. Okay. Did the doctor himself tell you that or did
8 you read that in a report?

9 A. Both.

10 Q. Okay. Are you aware that there was no
11 report -- or no report anywhere in this case that talked about
12 a relaxed anus?

13 MR. PROCTOR: Your Honor, I'm going to object
14 to that because the record does show --

15 THE COURT: I'll let her answer to any other
16 report she's seen. I don't know how many reports were in this
17 case.

18 A. I have in the documents that I have reviewed there
19 was a comment made about a relaxed anus or lax anus.

20 Q. (BY MS. BALDWIN) Okay. And are you aware that's
21 not the report, nor the testimony, that Dr. Mujica made in this
22 courtroom?

23 MR. PROCTOR: Your Honor, I'm going to object
24 to that. Clearly in the record --

25 THE COURT: I'll sustain. I will look at

1 the -- the --

2 MS. BALDWIN: I'll move on.

3 THE COURT: -- all testimony.

4 MS. BALDWIN: I will move on.

5 Q. (BY MS. BALDWIN) Ms. Ryfa, do you remember having a
6 videotape made for or with you questioning Beverly Troupe about
7 this particular case?

8 A. I -- yes.

9 Q. Okay. How many videos did you make?

10 A. I -- I believe two.

11 Q. Okay. And what did the first one consist of?

12 A. The first -- the first videotape consisted of her
13 playing, in a playroom, with anatomically correct dolls --

14 Q. Okay.

15 A. -- and my talking with her.

16 Q. Do you ever remember telling someone that you had to
17 redo the video because the first one didn't come out?

18 A. I don't recall that.

19 MS. BALDWIN: I'm sorry, Your Honor,. If I may
20 have a moment. I -- I forgot my place on that.

21 THE COURT: All right.

22 MS. BALDWIN: I'll try to get there as fast as
23 I can.

24 THE COURT: Can you get her something to drink;
25 water?

1

THE BAILIFF: Water?

2

THE WITNESS: Please.

3

Q. (BY MS. BALDWIN) Okay. Do you remember who the
County Investigator was or Sheriff's Investigator -- excuse me.
Let me make sure. The Killeen police officer was who
investigated this case. Do you remember who that was?

4

A. No.

5

Q. Okay. If I were to suggest to you that it was
someone by the name of Joann Smith, at the time, does that name
ring a bell for you?

6

A. Yes.

7

Q. Okay. Do you remember speaking with Joann Smith on
December 16, 1986?

8

A. I need to see the record to --

9

Q. Okay. This is a report that was prepared by Ms.
Smith back at that time. And I'm going to ask you if I may if
you could read that line -- well, you can read that whole
little paragraph if you don't mind.

10

A. "I then contacted Ms. Paramore by phone. She
advised that the taping had not gone well and that another was
scheduled for this date."

11

Q. Okay. And that date would be Monday the --

12

A. 12/19 --

13

Q. 18th.

14

A. 12/18.

1 Q. Thank you. All right. So what had not gone well
2 about the first video?

3 A. Any number of things. I don't recall whether it
4 was -- it didn't go on a certain time or we were out of the
5 shot of the tape. I don't recall the reason why it didn't.

6 Q. Okay. Well, even if you were out of the shot of the
7 tape, you would have had something that -- on that video,
8 right?

9 A. Yeah. There was -- there was something on the
10 video. I can't recall what I felt or believed at the time had
11 gone wrong with the video that I haven't seen in twenty years.

12 Q. Okay. Oh, okay. But you do remember that there was
13 another video that was done?

14 A. I didn't do the second video with her.

15 Q. Ms. Paramore, how many times was this child taken
16 over this story?

17 A. I cannot answer that.

18 Q. Okay. Would you agree that if you interviewed her
19 at least once that you probably interviewed her again?

20 A. I spoke with the child.

21 Q. How many times?

22 A. That's impossible to quantify.

23 Q. Okay. Would you say it's multiple?

24 A. Several.

25 Q. Okay. And that's --

1 A. But they weren't all investigative interviews where
2 I was, you know, digging answers out from her.

3 Q. Okay.

4 A. I could have had a conversation about whether she
5 liked her foster home.

6 Q. Okay. Well, how many investigative interviews did
7 you do for her?

8 A. I had the one in the hospital.

9 Q. Okay.

10 A. And the anatomically correct dolls.

11 Q. Okay. And were you aware that over time the child's
12 story even changed?

13 A. I believe I read that. Yes.

14 Q. Okay. And that when she started talking about glass
15 and she started talking about popsicle sticks and
16 she -- she started talking about different things that -- that
17 could possibly have happened to her. You -- do you -- did you
18 know that?

19 A. I did see that. Yes.

20 Q. Okay. Under your investigative techniques, if you
21 feel that a sexual assault has occurred, is it not normal to
22 presume that you start within the home as far as asking who the
23 perpetrator was?

24 A. Not always.

25 Q. I'm sorry?

1 A. Not always.

2 Q. Okay. In this case, did you?

3 A. Start?

4 Q. Asking about people within the home?

5 A. That would have not been protocol. No.

6 Q. Okay. So you simply wait until a child comes forth
7 and says whoever did -- did this?

8 A. I -- I don't understand what answer you're looking
9 for.

10 Q. Let me back up a little bit. Was Beverly a
11 reluctant relator or was she a chatty relator?

12 A. She was both.

13 Q. Okay. Tell me when she was both?

14 A. The first time I interviewed her she was both.

15 Q. Okay. And you -- you already said that initially
16 she was reluctant, right?

17 A. Initially she was reluctant.

18 Q. So at some point, you had to try and pull
19 information from her; is that correct?

20 A. I had to ask questions. Yes.

21 Q. Okay. And I'll go back to the question that I had
22 before. Is it not normal procedure, in an investigation, where
23 there has been perpetration of any type of crime and especially
24 one in this case that you start with the people in the home?

25 A. I don't -- I don't quite understand what you're

1 trying to -- you're trying to ask.

2 Q. Well, my question is --

3 A. Be -- because, and I'll -- I'll state this. The
4 reason why I don't understand is because the mother and father
5 both knew from when she was admitted to the hospital what was
6 wrong and why she was socially admitted. So they already
7 information about what -- why he was committed to the billets.

8 Q. Okay. That's not my question.

9 A. Okay.

10 Q. My question for you is this. You're an investigator
11 or were an investigator back at that time?

12 A. Yes.

13 Q. There are certain techniques that you have to use as
14 an investigator, right?

15 A. Correct.

16 Q. Okay. And one of them is that you've already got to
17 start to think about who may have done this, if a crime has
18 been committed; is that correct?

19 A. Correct.

20 Q. Okay. And wouldn't your first place be to start in
21 the home?

22 A. I can't say that it's --

23 Q. Okay.

24 A. -- always to start in the home.

25 Q. All right. Now you also indicated that Laverne

1 Troupe stated that she did not want --

2 THE COURT: Let me -- I -- like I told y'all
3 I've got to be out of here. I got a courtroom tomorrow at the
4 Auxiliary Court 2, down the hall.

5 MS. BALDWIN: Yes, sir.

6 THE COURT: Can you wind this up in five more
7 minutes?

8 MS. BALDWIN: Judge, I can't because I've got
9 to recall Beverly to get some --

10 THE COURT: Okay.

11 MS. BALDWIN: -- things into evidence. I
12 apologize. I would love to --

13 THE COURT: I'm sorry. I'm going to -- I'm
14 going to have to break then.

15 MS. BALDWIN: Okay.

16 THE COURT: Can you be there?

17 COURT REPORTER: Yes, sir.

18 THE COURT: Nine o'clock.

19 MS. BALDWIN: Nine o'clock is fine, Judge.

20 MR. PROCTOR: Can you -- she's from Delaware
21 so --

22 THE COURT: I know. When are you scheduled to
23 leave?

24 THE WITNESS: I guess, when I get let go.

25 THE COURT: Well, I'm sorry but --

1 MS. BALDWIN: I also apologize, Judge. But
2 this is -- I feel like this is Mr. Troupe's last shot at this,
3 so I got to get it right.

4 THE COURT: Well --

5 MR. PROCTOR: Which courtroom we got tomorrow?

6 THE COURT: We'll be going down in 2.

7 THE BAILIFF: Auxiliary 2?

8 THE COURT: Yeah. Do you know where it is?

9 MR. PROCTOR: It's down the hall.

10 COURT REPORTER: Down the hall.

11 THE COURT: See you tomorrow.

12 MS. BALDWIN: Okay.

13 (End of proceedings)

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1 THE STATE OF TEXAS)

2 COUNTY OF BELL)

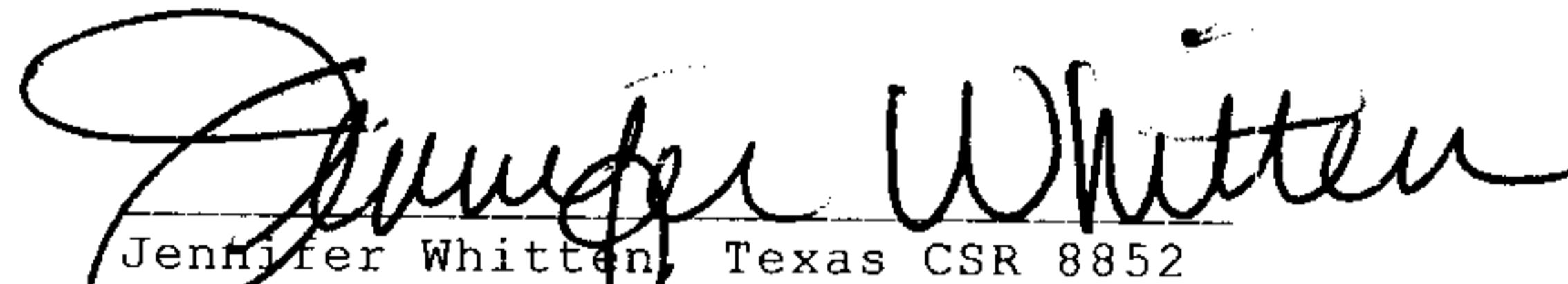
3 I, Jennifer Whitten, Deputy Court Reporter in and
4 for the Bell County, State of Texas, do hereby certify that the
5 above and foregoing contains a true and correct transcription
6 of all portions of evidence and other proceedings requested in
7 writing by counsel for the parties to be included in this
8 volume of the Reporter's Record, in the above-styled and
9 numbered cause, all of which occurred in open court or in
10 chambers and were reported to me.

11 I further certify that this Reporter's Record of the
12 proceedings truly and correctly reflects the exhibits, if any,
13 admitted by the respective parties.

14 I further certify that the total cost for the preparation
15 of this Reporter's Record is \$ _____ and was paid/will be
16 paid by _____.

17 WITNESS MY OFFICIAL HAND this the _____
18 day of _____, 2011.

19
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Jennifer Whitten, Texas CSR 8852
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2 VOLUME 1 OF 3 VOLUMES

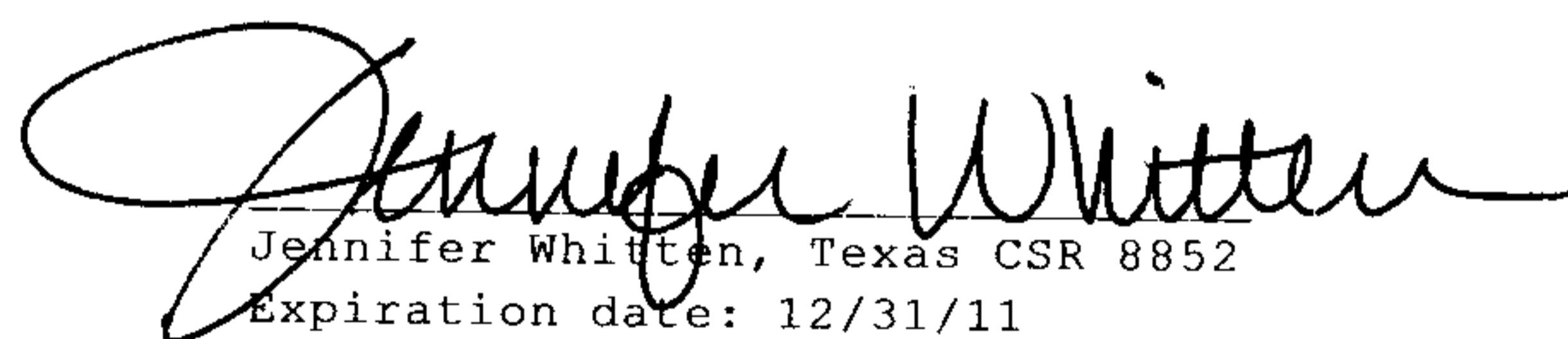
3 CAUSE NO. 35279

4 THE STATE OF TEXAS) IN THE DISTRICT COURT
5 VS.)
6 BRIAN KEVIN TROUPE) 27TH JUDICIAL DISTRICT
7)
8) BELL COUNTY, TEXAS

9
10 I, Jennifer Whitten, Deputy Court Reporter in and for the
11 27th District Court of Bell County, Texas, do hereby certify
12 that the following exhibits constitute true and complete
13 duplicates of the original exhibits, excluding physical
14 evidence, tendered in an offer of proof or offered into
15 evidence during the Post Conviction Writ Evidentiary Hearing in
16 the above-entitled and numbered cause as set out herein before
17 the Honorable Bill Bachus, Judge of the 27th District Court of
18 Bell County, Texas, and a hearing beginning February 23, 2011.

19 I further certify that the total cost for the preparation
20 of this Reporter's Record is \$ _____ and was paid/will be
21 paid by _____.

22 WITNESS MY OFFICIAL HAND on this, the _____ day of
23 _____, 2011.

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REPORTER'S RECORD
VOLUME 2 OF 3 VOLUMES

CAUSE NO. 35279

THE STATE OF TEXAS) IN THE DISTRICT COURT
VS.)
BRIAN KEVIN TROUPE) 27TH JUDICIAL DISTRICT
)
) BELL COUNTY, TEXAS

Post Conviction Writ
Evidentiary Hearing

February 24, 2011

On the 24th day of February, 2011, the following
proceedings came on to be heard in the above-entitled and numbered
cause before the Honorable Bill Bachus, Judge presiding, held in
Belton, Bell County, Texas:

Proceedings reported by oral stenography.

[Handwritten signature]
BELL COUNTY DISTRICT COURT
JUDGE BILL BACHUS
CSR

201 APR -b P 2 09

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1 PROCEEDINGS

2 THE COURT: All right. Go ahead, son.

3 MS. BALDWIN: I think it was my cross,

4 THE COURT: Oh, I'm sorry.

5 MR. PROCTOR: Oh, I'm sorry. Yes, it was cross
6 examination.

7 HELEN PARAMORE RYFA

8 having been previously duly sworn, testified as follows:

9 CROSS EXAMINATION

10 BY MS. BALDWIN:

11 Q. Okay. I apologize if I go over -- re-ask you some
12 questions from yesterday. I'm going to try not to do that, but
13 I -- my memory is sometimes better on some days than others.

14 Okay. Going back to the removal of Beverly -- remember when we
15 were talking about that yesterday and talking about the fact
16 that, basically, mom said she didn't want her back in her home.
17 And I think I just asked you the question about whether or not
18 any other relatives were considered for placement.

19 A. That -- that line of questioning is typically always
20 taken. As I said earlier, like a flow chart -- we usually
21 always ask from one biological parent or parent or next
22 parent -- to the -- in line. And we, as a Department, trying
23 to keep the child in the home at all costs. We typically will
24 always ask is there any outside members that, you know, she
25 can -- she can go and live with, but I cannot, myself, tell you

1 that that was taken with her -- just the Department's
2 procedures, typically, always worked in that manner.

3 Q. Okay. Do you know whether or not there was a
4 Mr. and Ms. Caldwell out of New Jersey that applied for custody
5 of Beverly.

6 A. I wasn't aware of that, no.

7 Q. Okay. Did you ever interview Mr. Troupe and find
8 out what his wishes may be for the child?

9 A. No.

10 Q. All right. And speaking of removal, now, it's my
11 understanding, from your testimony yesterday, Beverly -- excuse
12 me, on the same day that she was admitted to the hospital and
13 you interviewed her for that two to three hour period --
14 remember, we talked about that?

15 A. Yes.

16 Q. And then you interviewed her mother the next day;
17 would that be correct?

18 A. I believe, I spoke with her mother, yes.

19 Q. Okay. And you also mentioned on yesterday that you
20 had asked Dr. Mujica to have Mr. Troupe restricted to the
21 billes?

22 A. Correct.

23 Q. Okay. When was it that Constance Troupe was removed
24 from the home?

25 A. I don't recall that information.

1 Q. Okay. But you know that she was removed?

2 A. Yes, at one time.

3 Q. Even though Mr. Troupe was restricted to the
4 billets?

5 A. That's correct.

6 Q. And that she was not returned to her mom -- her
7 mother, immediately even after it was confirmed that he was
8 restricted to the billets?

9 A. I cannot give you a specific date as to when she
10 went back to the home.

11 Q. Okay. Was there ever a Plan of Service established
12 with Mrs. Troupe for the return of the child?

13 A. I wasn't aware of what was proceeding with her case,
14 'cause I wasn't assigned her case. I investigated her case.

15 Q. Okay. So you were simply the investigator. When
16 Mrs. Troupe told you that she did not want -- no longer wanted
17 Beverly in her home, as you testified yesterday. You stated
18 that she no longer wanted Beverly in the home -- you alleged
19 that Mrs. Troupe said that; do you remember that?

20 A. That's correct.

21 Q. Okay. At that point, did the Department have her to
22 sign a Voluntary Relinquishment of Parental Rights?

23 A. I couldn't recall that -- when that took place, no.

24 Q. Okay. With her having said that, would it not be
25 usual for the Department to say, "Okay, you don't want her.

1 Relinquish the Rights and we don't have to go through all of
2 these hearings."

3 A. Well, that would be me just guessing.

4 Q. I'm sorry.

5 A. That would just be me guessing --

6 Q. Okay.

7 A. -- at what they've done or not done.

8 Q. Okay. Did you become aware, at any point after your
9 investigation was finished, that the Parental Rights of both
10 Brian Troupe and Laverne Troupe were terminated in trial that
11 was conducted in Judge Black's court?

12 A. I became aware of that yesterday.

13 Q. Okay. At that time, what did you know about the
14 Department's procedures as far as what your investigation was
15 over, what was going to happen with the case?

16 A. It -- it varied on each case according to
17 circumstance.

18 Q. Were you ever involved in this case once you -- once
19 the investigation was finished and Mr. Troupe's trial was
20 concluded, were you involved in this case at all after that?

21 A. No.

22 Q. Okay. So you had no further involvement?

23 A. That's correct.

24 Q. Never saw the child after the date of the trial?

25 A. I don't recall. I don't recall having seen her, no.

1 Q. Okay. Do you ever recall at any time during your
2 conversations with Beverly whether before or after Mr. Troupe's
3 trial that she's told you, emphatically, that this -- that what
4 she alleged never happened?

5 A. Can you rephrase that.

6 Q. Were you ever told, at any time -- well, let me kind
7 of lay a little foundation here. According to your affidavit,
8 Beverly told you that she was penetrated by her father both in
9 the anas and the vagina by digital penetration and also by
10 penial penetration; you remember that in your affidavit.

11 A. I do recall that.

12 Q. Okay. Was there any -- was there ever any time
13 after she related that story to you that she ever came back and
14 said, "You know, that really didn't happen."

15 A. No, she did not to me.

16 Q. Okay. At the time that you interviewed Beverly in
17 the hospital; did you have a doll with you?

18 A. No.

19 Q. You never had a doll that you gave her?

20 A. I don't recall having a doll --

21 Q. Okay.

22 A. -- when I went to the hospital.

23 Q. Okay. Do you ever remember saying to her that if
24 you don't answer these questions, that I will remove this doll
25 from you?

1 A. I don't recall that.

2 Q. Okay. Were you aware that, at some point, the mom's
3 visitations with the child was terminated after she was in
4 care?

5 A. Prior to court or --

6 Q. Prior to court.

7 A. -- prior to the Civil Proceeding?

8 Q. No. Prior to --

9 A. Criminal proceeding?

10 Q. -- prior to the criminal proceeding. I'm sorry.

11 A. I was aware that there was some difficulties with
12 visitations.

13 Q. Okay. And were you aware that those visitations
14 ceased in January of 1986, prior to the trial, in April of
15 19 -- excuse me -- January of 1987, prior to the trial of April
16 of 1987?

17 A. I was not aware of what had been restricted or
18 allowed. I wasn't privy to that information.

19 Q. All right. Are you aware of what the policies of
20 the Department were, at that time, as far as parents and
21 children visiting where the Rights have not been terminated?

22 A. It's encouraged in almost all instances if it's in
23 the benefit of the child.

24 Q. Okay. And did you ever become of any -- aware of
25 any circumstance where it would not have been in the best

1 interest of Beverly Troupe to visit with her mother?

2 A. I don't recall.

3 Q. Okay. Now, you mentioned that your -- you intended
4 to keep or the intention of the Department was to keep the
5 child in the home, where ever possible, right?

6 A. The Department's policy is to have the child remain
7 in the home, remain with a relative placement or a family
8 placement prior to any placement outside of the home at all
9 costs.

10 Q. Okay. And you mentioned yesterday, that the reason
11 that Beverly was not returned to her mother was because the
12 mother would not guarantee -- or excuse me -- the mother said
13 she really said she didn't want her back.

14 A. State that again, please.

15 Q. Okay. You testified yesterday, I believe, that the
16 reason that Beverly was not returned to her mom -- was that her
17 mom said she didn't want her back.

18 A. I believe there were several -- there were several
19 reasons --

20 Q. Okay.

21 A. -- for that decision. And one of them was that she
22 did not want her in the home -- she didn't believe her.

23 Q. Okay. Then why -- why remove the younger daughter
24 then if -- if the mother only did not want the old daughter, as
25 you stated, then why remove the younger child?

1 THE COURT: Counsel --

2 | A. In the --

3 THE COURT: -- wait a minute. I believe she
4 testified that that's Departmental policy if it's a female with
5 allegations of sexual abuse are involved. And again, I don't
6 see how this is going to the issue that you're asking the Court
7 to decide.

8 MS. BALDWIN: Well, the -- the theory of this
9 is that it was conspiratorial -- that one of the reasons that
10 Beverly Troupe was kept out of the home was because she was
11 already saying that he never did anything to her.

12 THE COURT: Do you have any evidence,
13 whatsoever that it's not the Departmental's policy whether it's
14 conspiratorial or -- according to your theory or not that
15 that's part of the conspiracy and all these cases where they
16 remove them from the home?

17 MS. BALDWIN: I understand that, Your Honor,
18 but what I'm trying to clear up is that -- yesterday she said
19 that they would never have removed Beverly, period, if the
20 mother said -- hadn't said that she didn't want her. And what
21 I'm trying to clear up --

22 | THE COURT: I've heard --

23 MS. BALDWIN: I'm sorry.

24 | THE COURT: -- I've heard it was more than

25 | that, and it's also that she would not guarantee that she would

1 keep the defendant away from her and just by, you know, being
2 in the billets doesn't mean that he can't leave the billets.
3 That's just an order, as I understand it.

4 MS. BALDWIN: Well, I mean, he was
5 restricted -- he was restricted on base, so he would had to
6 leave out of a restricted area.

7 THE COURT: I understand that, but it's not
8 a -- under arrest restriction. It's just that you're under an
9 order, just like you're under an order not to go AWOL.

10 MS. BALDWIN: Right.

11 THE COURT: Anyway, that's my understanding,
12 but I fail to see the relevance even of that.

13 MS. BALDWIN: I will move on, Judge.

14 THE COURT: All right. I appreciate it.

15 Q. (BY MS. BALDWIN) So it's your testimony that you
16 don't ever remember Beverly Troupe telling that -- that none of
17 this happened?

18 A. I don't recall her having recanted it me.

19 Q. Okay.

20 MS. BALDWIN: I pass the witness, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. PROCTOR:

23 Q. Ms. -- let me clear something up for the record,
24 please. Helen Paramore has been referred to in this record and
25 in the Hearing a lot that you are -- you were Helen Paramore;

1 right?

2 A. Correct.

3 Q. Your name is currently, your married name, which is
4 Helen Ryfa?

5 A. That's correct.

6 Q. You are the same Helen Paramore as this --

7 A. Yes.

8 Q. I don't think that you ever said that you were once
9 Helen Paramore. The other -- one of the other things -- I'm
10 kind of confused on the timeline.

11 Are you saying that Beverly was -- in
12 rereading Dr. Mujica's testimony, my impression or my
13 observation was that Beverly was admitted to the hospital,
14 examined that night, when she was admitted, -- or excuse me --
15 examined first then admitted, then the next morning, he did a
16 test himself with the dye and then the next day, he did another
17 test with the dye and at that time, he called in the doctor,
18 the OB/GYN, Dr. Bradley Smith. That's my understanding. Is
19 that your understanding?

20 A. I -- correct me if I'm wrong. I think that the
21 OB/GYN doctor's name was -- was it Miller?

22 Q. I'm sorry.

23 A. Dr. Miller.

24 Q. Bradley Miller, that's right,

25 A. And what I recall -- without having looked at all

1 the documents -- what I recall was that she was taken in early
2 for a burning and then later on, was taken in for more pain and
3 burning and blood in the urine and that at that time, the
4 doctor became concerned about how she looked upon general
5 examination, and admitted her.

6 And the next day, a medical procedure took
7 place in which he, himself, as a pediatrician, and Mr. Miller,
8 as a obstetrician, gynecological doctor, both examined her with
9 the Toluidine Dye Test -- that it causes scars and lacerations
10 and tears to appear very clearly in this test. So that was
11 done on the second day, yes.

12 Q. Okay. Well, I think there's still a little
13 confusion. Let me read to you from Dr. Mujica's testimony in
14 Volume III of the record. And -- because this is going to
15 determine when you examined her.

16 Okay, page 25 of Volume III. Dr. Mujica's
17 being questioned by Mr. Carroll, the Assistant District
18 Attorney, and the question is; "Doctor, what did you do? You
19 mentioned that you ordered that she be hospitalized the first
20 night; is that correct?" Doctor's response. "Yes, sir."
21 Question. "What is the next medical contact you had with
22 Beverly?" Answer. "After that night, the next morning, I went
23 there in the morning the examine her one more time and there
24 was some other test to be done with what we call Toluidine
25 Blue." And he explains what Toluidine Blue.

1 Okay, then on page 27, he says -- the question
2 is; from Mr. Carroll; "What did you do with Beverly to complete
3 and find out whether she had any lacerations or abrasions in
4 her vaginal area?" Answer. "Actually, did the test that
5 morning, and she had positive findings of multiple abrasions of
6 the introitus." And blah, blah.

7 Then, on page 29, he's still being
8 questioned -- the doctor is still being questioned by --
9 Dr. Mujica is still being questioned by Mr. Carroll, and he --
10 about Line 10, he says -- well Line 8, the question asks,
11 "Okay. Did you do further tests in this regard on Beverly?"
12 And the doctor's response was is; "Yes, after those findings,
13 it was also arraigned to have Dr., you know, Brad Miller from
14 the OB/GYN Department do a pelvic examination of Beverly under
15 sedation." Question. "And who gave those arraignments?" His
16 answer. "I did." Question. "That was done at your request?"
17 Answer. "Yes." "And was she sedated?" Answer. "Yes." "What
18 day was she taken under sedation and had the second test
19 performed with Dr. Miller and yourself?" Answer. "I believe
20 it was the 11th -- excuse me -- I believe it was the 11th of
21 December, the next day -- it was the 12th of December."

22 And so my question to you is -- apparently,
23 she was examined twice with -- using this Toluidine Blue. The
24 first time he examined her with the Toluidine Blue himself, the
25 next time -- the next day, he did it under sedation with

1 Dr. Miller. So my further question to you is when did you make
2 contact with her -- after his first examination with the
3 Toluidine Blue or after his examination with the other doctor
4 and the Toluidine Blue?

5 A. I recall receiving a phone call from Dr. Mujica with
6 the -- with the results of the first test -- and I'm
7 paraphrasing -- him stating that he was going to bring in a
8 OB/GYN doctor because that was their speciality and his was
9 pediatrics and for them to be able to identify speciality of
10 what was occurring. And -- but that he had definitely, in his
11 opinion, seen lacerations and scars and stretch tissue along
12 with -- at that time, I believe, lax areas. But that he was
13 going to repeat that with a OB/GYN doctor to make sure that he
14 wasn't overlooking or misreading something.

15 Q. So when you received that call, had you -- you had
16 not made contact with Beverly at that time?

17 A. I had not made contact again with her.

18 Q. I see. Again?

19 A. She was admitted that one day and then I spoke with
20 her --

21 Q. Briefly.

22 A. -- that night and then they didn't test the next
23 day --

24 Q. Okay.

25 A. -- if I recall correctly.

1 Q. Okay.

2 A. I'm not looking at the record, so the days that, you
3 know, -- I could be confused.

4 Q. Okay. All right. Okay. Now, let me take your
5 attention back to something that was expressed yesterday on
6 cross examination. About the child abuse investigation. Can
7 you explain to the Court what the burden of proof is in terms
8 or your ability to take temporary action to remove the child
9 from the home if there's an allegation of child abuse. What is
10 your burden; is it probable cause, it is credible evidence, is
11 it -- what is it?

12 A. It's a reason to believe, I believe, is the term
13 that was used then. There was a reason to believe that
14 activity may have taken place, and it was stronger than -- I
15 don't know what term to use.

16 Q. Okay.

17 A. It was stronger than what a rational reasonable
18 person would -- would decide on in their judgement without any
19 speciality or anything in order for there to be an
20 investigation conducted with the child outside of the home due
21 to parental decisions about who would remain in the home, their
22 access to the child, -- investigations take place quite
23 frequently where the child is not removed from the home during
24 the entire investigation.

25 Q. Okay. Well, so then I would assume that you're not

1 trying to make a prima facie case on a perpetrator, you're just
2 trying to possibly remove the child from a dangerous situation.
3 It is true, your burden of proof is not the same a probable cause
4 to get a warrant for somebody's arrest or what have you?

5 A. That's correct.

6 Q. Now, you're -- you reviewed yesterday, your
7 affidavit, that you prepared. Now, was -- do you forward your
8 findings to the DA's office or the police department; who do
9 you forward your findings to?

10 A. Typically, it becomes forwarded to a supervisor.

11 Q. Okay.

12 A. And I also collaborate with -- usually a Child
13 Advocacy Center and that is done so that multiple interviews
14 don't keep taking place with the child and that it's kept to a
15 very minimum. So the police within the Killeen Police
16 Department and then the investigators within the District
17 Attorney's Office and others such as psychologists, or medical
18 doctors, they are also -- all the evidence from everybody is
19 collected, and that's usually discussed with a supervisor and a
20 decision is made to proceed further.

21 Q. Proceed further in terms of a criminal
22 investigation, you mean?

23 A. Yes.

24 Q. So --

25 A. In regard to civil or criminal.

1 Q. Okay. So by your response, then I assume, that your
2 primary focus is not to further a criminal investigation in
3 terms of the removal of the child or seeking temporary orders
4 or whatever, it is to potentially remove the child from the
5 situation that could lead to further abuse?

6 A. My primary concern is the safety of the child.

7 Q. Does your -- you know, did you ever arrest anyone or
8 do you ever arrest anyone for suspected child abuse?

9 A. I don't have those privileges or powers.

10 Q. So, the affidavit that you submitted, I believe, was
11 included with Temporary Orders, so your findings and summary of
12 what's going on in this case, at least, was submitted to, I
13 assume the County Attorney's Office to prepare a petition for
14 Temporary Removal or something like that?

15 A. That's correct.

16 Q. Okay. So it's not -- you didn't bring it to us and
17 have us do an arrest warrant?

18 A. No. No.

19 Q. Okay.

20 THE WITNESS: Excuse me, can I have some water
21 please. I'm really very thirsty. My husband has a bottle in
22 his pocket. Thank you. I apologize.

23 Q. (BY MR. PROCTOR) Now, there's also been discussion
24 about things that you may have told the victim in order to gain
25 her cooperation in this conspiracy. And one of the things that

1 has come up is that you told her that she would not go home
2 unless she told you the "truth" -- quote, unquote -- meaning
3 she told you that her father was abusing her -- sexually
4 abusing her. Did you -- do you recall ever telling her that
5 she would not go home unless she told you the truth?

6 A. Never.

7 THE COURT: Counsel, I think we're plowing the
8 same field the second time. I've heard that before.

9 MR. PROCTOR: I'm sorry, Your Honor, I've
10 written that down as not being asked. Okay.

11 Q. (BY MR. PROCTOR) Now, also, there was -- there has
12 been discussion about Laverne Troupe's response, the mother's
13 response when you attempted to anticipate placement back in the
14 home after the trial was concluded. Did you -- did you
15 inform -- do you inform Beverly that she's not going home?

16 A. I did not inform Beverly that she was not going
17 home.

18 Q. Okay. Who did?

19 A. I am not aware of who.

20 Q. Do you know what -- how that -- how she found -- or
21 how -- what happened then. I mean, did you see her at all
22 after the trial?

23 A. Yes --

24 Q. Okay.

25 A. -- back in the witness room.

1 Q. What were -- what were you observations when you saw
2 her? What kind of state was she in?

3 A. She was upset. And was --

4 Q. Why was -- why was -- do you know why she was upset?
5 Did she say why she was upset?

6 A. She told me that she hated me, and I believe,
7 because that the mother had stated that she did not want to
8 take her home. And I believe that Beverly was -- I believe
9 that she heard that and then one party went one way and one
10 when another way. And then that's when she kind of came apart.

11 Q. And when you say, "came apart;" in what way?

12 A. Oh, she was -- she was screaming and yelling and
13 trying to go with her mother and her was leaving.

14 Q. Just walking away?

15 A. Uh-huh.

16 Q. Okay. Thank you.

17 MR. PROCTOR: Pass the witness, Your Honor.

18 RE-CROSS EXAMINATION

19 BY MS. BALDWIN:

20 Q. Ms. Paramore, you say you believe that she heard
21 that her mother didn't want to take her home. When did you
22 hear that?

23 A. In the witness room, I asked the mother --

24 Q. So --

25 A. -- when she wanted to, you know, placed back in the

1 home and she said she didn't want her.

2 Q. Okay. And the child was present when you asked her
3 these questions?

4 A. I don't know whether she overheard --

5 Q. Well, where was --

6 A. -- what --

7 Q. I'm sorry. What --

8 A. -- what was being discussed.

9 Q. Okay. Where was the child when you were having this
10 discussion?

11 A. Just in the room somewhere.

12 Q. How big was this room?

13 A. I can't recall the size of the room twenty-five
14 years later; I'm sorry.

15 Q. Okay. Well, you can tell -- you would know,
16 twenty-five years later, because you're very clear on what the
17 mother said, who was present when she said it -- but you would
18 recall how close the child was, wouldn't you?

19 A. The mother was not quite about what she's saying.

20 She was also in a highly agitated state.

21 Q. Okay. And you said that -- when he initially asked
22 you the question, when Mr. Proctor initially asked you the
23 question, you said you believed that she overheard it, you
24 believe these things. But whoever -- whoever confirmed to you
25 that Beverly overheard her mother say she didn't want her home?

1 A. I'm sorry. I don't understand your question.

2 Q. You stated that you believed that the child
3 overheard the mother. What confirmation did you have of that?

4 A. The reaction of the child.

5 Q. What -- could the child have been reacting for some
6 other reason?

7 A. Possibly.

8 Q. Okay. Did the child ever say -- say to you, "My
9 mother doesn't want me. I hate you." Blah, blah, blah?

10 A. She said, "I hate you. You've ruined my life." And
11 some other remarks along that line.

12 Q. Ma'am. An eight-year-old said, "You've ruined my
13 lie."?

14 A. Along that line, she said remarks that would -- that
15 would -- perhaps not in those words, but --

16 Q. Okay. Were you present in the courtroom when
17 Beverly's testimony --

18 THE COURT: Counsel, you know she wasn't.

19 MS. BALDWIN: What?

20 THE COURT: You know she wasn't in the
21 courtroom --

22 MS. BALDWIN: Well, I just want --

23 THE COURT: -- when she gave her testimony.

24 MS. BALDWIN: -- to confirm that -- I just
25 want to confirm that, Judge.

1 THE COURT: All right. I'll confirm it for
2 you. Let's go.

3 MS. BALDWIN: I'm going.

4 Q. (BY MS. BALDWIN) So, you were not aware that
5 Beverly, on cross examination by Mr. Potter stated that you
6 told her that if she told a certain story, that she would be
7 able to go home.

8 A. I discovered that later, yes.

9 Q. All right. On page 115, of Volume III, on the trial
10 transcript, Starting at Line number 7. Question -- this is
11 cross examination by Mr. Potter. Question. "Has anyone told
12 you after this trial where you're going to living or anything
13 like that?" Mr. Carroll, at that time -- "We object. All of
14 this will be immaterial to the allegations in the indictment.
15 The Court. "Overrule your objection. Come to the bench." So
16 there's an off docket discussion. Then we go back on the
17 record on Line 18. Question -- to Beverly by Mr. Potter. "Has
18 anyone told you, after this trial, where you're going to be
19 living or anything like that?" Answer. "No." Question.
20 "Have they -- has anyone promised you you're going to be living
21 with your momma and daddy?" Mr. Carroll -- once again. "Your
22 Honor, we object to that question. It calls for hearsay." The
23 Court overrules it. Mr. Potter again, asks the question on
24 page 116. "Has anybody told you you're going to be going back
25 to live with your momma and daddy?" Answer. "Yes." Question.

1 "And who told you that, babe?" Answer. "Ms. Paramore and
2 Betty Campbell." Question. "Ms. Paramore and Betty Campbell?
3 Did you see Ms. Campbell this morning?" "No."

4 And they go on to talk about some other
5 things, basically, that you told her that she was going back to
6 live with her parents. Now, if shw was upset, do you think it
7 might have been that you told her that she was going back to
8 live with her parents and her mother is walking away from her?
9 You said the mom was walking away.

10 A. I don't understand the question.

11 Q. Do you think she may have been upset because she
12 wasn't going home?

13 THE COURT: That's speculation. Let's get on
14 with some facts with Ms. Paramore.

15 MS. BALDWIN: I understand, Judge. She
16 testified that the child -- she felt the child was upset
17 because of what the mother heard, but we didn't confirm that
18 either. I'll move on.

19 Q. (BY MR. BALDWIN) Now, you indicated that when you
20 first -- first -- or interviewed Beverly it was in the hospital
21 on the first day that she was there; right? After her parents
22 had left?

23 A. If I recall, yes.

24 Q. Okay. Was there -- at anytime did you turn on a
25 type recorder or any of that to record those conversations?

1 A. No. That day?

2 Q. Right. The hospital interview.

3 A. I don't recall having done that, no.

4 Q. Okay. Was the child in bed or sitting?

5 A. She was sitting in bed.

6 Q. She was sitting up in bed?

7 A. Right.

8 Q. All right. And that was during the two to three

9 hour interview?

10 A. Yes.

11 MS. BALDWIN: I have no further questions, Your

12 Honor.

13 MR. PROCTOR: No further questions, Your Honor.

14 THE COURT: All right. May she be excused?

15 MR. PROCTOR: Yes, Your Honor.

16 THE COURT: Counsel?

17 MS. BALDWIN: Yes, Your Honor.

18 THE COURT: All right. You may be excused.

19 MR. PROCTOR: We have no further witnesses,

20 Your Honor.

21 MS. BALDWIN: And Judge, I have a recall on

22 Beverly Troupe, just to introduce some things into evidence,

23 and also at this time, Judge, I'm asking that this hearing

24 continued so that Dr. Mujica can make he appearance. I know

25 the Court has heard a lot of things about what Dr. Mujica has