

1 Call your first witness, counsel.

2 MS BALDWIN: Calling Beverly Troupe Enoch.

3 THE COURT: Okay.

4 MR. PROCTOR: Your Honor, we were discussing  
5 the record from the trial, which we would like to get to  
6 present evidence. It is -- has been scanned, so it's kind of  
7 on computer. The District Clerk has it on computer. We -- I'm  
8 having a copy of it bound -- collated and bound right now. But  
9 at this time though, I would like to offer this as a  
10 representation of the record, complete record to introduce into  
11 evidence as State's Exhibit A.

12 (State's Exhibit A marked)

13 MS. BALDWIN: And I have no objection to that,  
14 Your Honor.

15 THE COURT: All right. Then it's admitted.  
16 And when you have the case transcribed, attach it to the file.

17 MR. PROCTOR: Thank you, Your Honor.

18 BEVERLY TROUPE ENOCH  
19 having been previously duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. BALDWIN:

22 Q. Would you state your name for the record please?

23 A. Beverly.

24 Q. Okay. Your entire name. I'm sorry. Your full  
25 name?

1 A. Beverly Troupe Enoch.

2 Q. Okay. And Enoch, E-n-o-c-h?

3 A. Right.

4 Q. Okay. And I'm going to ask you to speak up just a  
5 little bit, so that that lady right there, she's recording  
6 everything that you're saying. And also I'm getting a bit  
7 elderly, so I need to hear you as well. Okay. Are you good?

8 A. Yes.

9 Q. All right. Okay. Ms. -- Ms. Enoch -- Mrs. Enoch,  
10 how old are you?

11 A. 32.

12 Q. Okay. And are you a married lady?

13 A. Yes.

14 Q. And who are you married to?

15 A. William Enoch.

16 Q. Okay. And how long have you been married?

17 A. About three years.

18 Q. Okay. And do you recall the proceeding that we're  
19 talking about today -- the original trial?

20 A. Yes.

21 Q. Okay. Tell me who Brian Kevin Troupe is.

22 A. My step-father.

23 Q. Okay. And how long have you been acquainted with  
24 him?

25 A. I believe since the age of one or two year old.

1 Q. Okay. And is it true or not true that his -- he and  
2 your mother married?

3 A. Right.

4 Q. And at some point he adopted you?

5 A. Right.

6 Q. Okay. And how many other brothers and sisters do  
7 you have?

8 A. One sister. Two brothers.

9 Q. Okay. And your sister and two brothers, where do  
10 they reside?

11 A. One of my brothers married in Japan. And my sister  
12 with her husband in Killeen. And Tim -- here in Bell County --  
13 well, somewhere.

14 Q. Okay. All right. And I'm going to take you back to  
15 1986. Do you remember how old you were in 1986?

16 A. Yes.

17 Q. How old were you?

18 A. Eight years old.

19 Q. Okay. And did there come a time when your mom took  
20 you to the hospital?

21 A. Yes.

22 Q. Okay. And do you remember that particular trip to  
23 the hospital?

24 A. Yes.

25 Q. All right. And you were eight years old at the time

65

1 or were you seven?

2 A. At this time, I was eight.

3 Q. Okay. And when you got to the hospital, do you  
4 remember who you saw there?

5 A. I really can't recollect -- as doctor wise or --

6 Q. Okay. Well, let me start that over with, because I  
7 didn't do what I was suppose to do. Was it actually on a day  
8 that you went to the hospital two different times?

9 A. Can you rephrase that?

10 Q. Okay. Was there a day when you were eight years old  
11 that you were -- that your mother actually took you to the  
12 hospital on two different occasions in one day?

13 A. I just remember one.

14 Q. Okay. And was that a morning or a night or  
15 afternoon?

16 A. I -- sometime in the evening.

17 Q. Okay. All right. And so you don't remember going  
18 to the hospital, previously, on that day in the morning?

19 A. No.

20 Q. All right. And let's go back to the original  
21 question. Do you remember who you saw?

22 A. Doctor wise, no.

23 Q. Okay. Do you remember that this could have been  
24 possibly around December of 1986?

25 A. Yes.

1 Q. Okay. Just before Christmas, right?

2 A. Right.

3 Q. Okay. You were expecting Christmas presents that

4 year, right?

5 A. Yes.

6 Q. Okay. Now, you don't remember the doctors you saw,

7 but do you remember a time that you were perhaps kept in a

8 hospital?

9 A. Yes.

10 Q. How many days were you kept in the hospital?

11 A. I remember, specifically, two.

12 Q. Okay. And do you remember seeing anyone else while

13 you were in the hospital?

14 A. Yes.

15 Q. Okay. And who did you see?

16 A. A CPS worker.

17 Q. Okay. And do you remember that CPS worker's name?

18 A. Yes.

19 Q. Okay. And what was her name?

20 A. Helen Paramore.

21 Q. Okay. Do you remember any conversations that you

22 had with Ms. Paramore?

23 A. Yes.

24 Q. Okay. How many times after the hospital visit did

25 you see Ms. Paramore?

1           A.    After the hospital visit, I saw her on several  
2 occasions.

3           Q.    All right.  And then is it true or not true that you  
4 saw her once again at a Court Trial Hearing in 1987?

5           A.    True.

6           Q.    And that's roughly April of '87?

7           A.    Correct.

8           Q.    All right.  And you were eight years old; is that  
9 right?

10          A.    Correct.

11          Q.    And you were able to testify?

12          A.    Yes.

13          Q.    All right.  Prior to your testimony, do you know why  
14 your mom took you to the hospital?

15          A.    Yes.

16          Q.    And why did she take you to the hospital?

17          A.    Because I told her that I was bleeding.

18          Q.    Okay.  And where did you tell her you were bleeding  
19 from?

20          A.    I didn't tell her from.  I just told her that I was  
21 bleeding in my underwear.  Well, I had blood in my underwear.

22          Q.    And did you ever show her that?

23          A.    I believe -- yes.  I believe so.

24          Q.    Okay.  And as a result, she took you to the  
25 hospital; is that correct?

1 A. Yes.

2 Q. All right. Now, when you saw Ms. Paramore for the  
3 first time -- you saw her in the hospital, correct?

4 A. Yes.

5 Q. Is it true or not true that you had been under  
6 anaesthesia?

7 A. Yes.

8 Q. Okay. And what was the time period, you remember,  
9 between the time that you were under anaesthesia and the time  
10 that Ms. Paramore saw you?

11 A. Can you say that one more time?

12 Q. What was the time period between the time that you  
13 remember waking up -- I'll say it like that -- and the time  
14 that you saw Ms. Paramore?

15 A. I remember awakening the next morning.

16 Q. Okay.

17 A. And I saw her sitting in the room, and I was just  
18 coming to.

19 Q. Okay. All right. And did you have a conversation  
20 with her?

21 A. Yes.

22 Q. And did she ask you some questions?

23 A. Yes.

24 Q. And basically, what questions did she ask you?

25 A. Umm. She introduced herself, and then she started

1 asking me if I had ever been touched.

2 Q. Okay. And when she asked you if you had ever been  
3 touched, did you understand -- did you, as an eight-year-old,  
4 understand what that meant?

5 A. No, I didn't.

6 Q. Okay. When did you -- do you remember what your  
7 response was?

8 A. I told her no. I didn't know what it meant, but I  
9 just told her no.

10 Q. Okay. And how long did she stay in the room with  
11 you at that time?

12 A. I want to say maybe at least a good hour.

13 Q. Okay. And during that hour's time, on that  
14 particular visit, did you ever tell her that you had been  
15 touched by your father -- your step-father?

16 A. Did I ever tell her that visit?

17 Q. Yes.

18 A. I gave in and told her yes.

19 Q. Okay. When you say you gave in, could you explain  
20 to the court exactly what that means?

21 A. Well, she started asking me several occasions and  
22 she handed me a doll. And she started -- then she rephrased it  
23 had I ever been touched in the -- in the vagina -- vaginal area  
24 and the private area. And many times, she asked me I kept  
25 telling her no, no, no several occasions.



1                   She got angry, upset, snatched the doll back  
2 and told me fine, I wasn't going to play with her doll. And  
3 then she, at one point, told me if I wanted to see my parents  
4 again I needed to tell the truth. And at that moment, that's  
5 when I gave in and I said okay, fine. And that's when she  
6 asked me again if I -- and she pointed, have I ever been  
7 touched down there. And I told her yes.

8           Q.     Okay. But your initial response to her was that you  
9 had not been touched, correct?

10          A.     Correct.

11          Q.     How many other people --

12                   MS. BALDWIN: Strike that.

13          Q.     (BY MS. BALDWIN) While you were speaking with  
14 Ms. Paramore, what facts -- or did she give you any facts as to  
15 how you'd been touched?

16          A.     Umm. Did she give me any facts?

17          Q.     Right. Did she say that you were touched,  
18 particularly, on the vagina? Did she say you were touched  
19 particularly, anywhere else?

20          A.     Well, she said -- I remember one particular  
21 question, she asked me if I had ever been touched in the  
22 vagina. I told her no. And then she asked me -- after the  
23 point, I had told her -- started, you know, I gave in. I told  
24 her, yes. She asked me one particular question, "Okay, have  
25 you ever -- have you ever been touched in your behind area --

1 in your butt area?" And I just started saying yes to  
2 everything.

3 Q. All right. At that time did you know what a vagina  
4 was?

5 A. No, I didn't.

6 Q. Okay. And did Ms. Paramore go through any pictures  
7 with you? Did she go through -- did she actually show you on  
8 your body where your vagina was?

9 A. No. But a couple of times she just pointed. She  
10 didn't touch. She just kind of pointed down in that area, but  
11 she did not explain anything.

12 Q. Okay. And when you finally told her okay, you had  
13 been touched there, did you say, "My dad touched me there," or  
14 anything of that nature?

15 A. No. No, I didn't.

16 Q. Okay. Did she eventually come to ask you who  
17 touched you there?

18 A. Well, she did.

19 Q. Okay. And at that point, did you give her a name or  
20 was it suggested to you?

21 A. It was suggested to me.

22 Q. Okay. And who did she suggest to you may have  
23 touched you?

24 A. My step-father.

25 Q. Okay. And at that point, did you agree with her?

1 A. Yes.

2 Q. All right. Let's come forward a little bit. After  
3 that, were you -- did you ever have another interview that was  
4 conducted by Ms. Paramore?

5 A. Yes.

6 Q. And do you remember where that was?

7 A. I remember at a courthouse, because we were making a  
8 videotape.

9 Q. Okay. And was that before the April trial in 1987?

10 A. Yes.

11 Q. All right. And could you tell the court the  
12 circumstances of that interview and how it happened?

13 A. Before time, I was told that we were going to go  
14 somewhere to a -- do to a videotape. And we -- she -- Helen  
15 Paramore explained and talked it over with me in the car on the  
16 way there. We got there to make the videotape. As I was -- as  
17 she was answering questions, I remember being very fidgety, not  
18 wanting to answer. I, on several occasions, told her I was  
19 very hungry, but I was not -- I was told that I would get  
20 something to eat after I answered the questions. And that's  
21 pretty much all I remember.

22 Q. Okay. And at that time, when she was asking you  
23 questions, what was -- how did you know what responses to give?

24 A. Well, she once told me in the car that to remember  
25 to make sure that I tell her -- the people what I told her. So

1 to make sure I stick with the story. And that was what she  
2 told me in the car. And I did that, and I just answered  
3 anything they asked me.

4 Q. Okay. Now, we come forward a little bit to 1994.  
5 Do you remember back in 1994 that you prepared an affidavit  
6 that was -- that you directed to this -- to this Court -- to  
7 the 27th District Court?

8 A. Yes.

9 Q. How old were you in 1994?

10 A. Umm. At that time, I was about fifteen.

11 Q. Okay. And in that affidavit, do you remember what  
12 you wrote?

13 A. Yes.

14 Q. Okay. And could you tell the Court at that time,  
15 what you wrote in your affidavit?

16 A. Yes. I just explained that I had never been  
17 sexually molested. That I was coached into saying that I --  
18 my -- that the perpetrator, my step-father, sexually molested  
19 me when that was not the truth. I just went on to, actually,  
20 tell -- stated to them how this all began and what happened.  
21 And just over the years, of the many people I told that it did  
22 not happen. And just, basically, just stuck with the truth. I  
23 had never been sexually molested.

24 Q. Okay. And is it true or not true that after the  
25 1987 affidavit -- I mean, excuse me, 1997 affidavit, that you

1 wrote another letter that was directed to -- I'm sorry. It had  
2 to be prior to. Prior to your -- excuse me -- after your 1994  
3 affidavit. I'm mixing up years. After your 1994 affidavit  
4 that you actually wrote a letter to the Judge of this Court in  
5 January of 1997; do you remember that?

6 A. Yes.

7 Q. And in that letter -- it's fairly lengthy; is that  
8 correct?

9 A. Yes.

10 Q. And was it once again that you explained to the  
11 Judge that nothing ever happened to you as far as your  
12 step-father was concerned?

13 A. Correct.

14 Q. All right. All right. Coming forward, is it true  
15 that you once again prepared an affidavit on January 2006?

16 A. Correct.

17 Q. And that affidavit, who did you present that to?

18 A. Umm. Who did I present it -- I'm trying to think  
19 of --

20 Q. If you don't remember that's fine?

21 A. I don't remember exactly.

22 Q. But you do remember --

23 A. But I remember writing one.

24 Q. -- preparing an affidavit in 1986? And in that --  
25 in that particular -- I mean, excuse me, 2006. And in that

1 particular affidavit, did you also say to the Court or whomever  
2 you were writing that affidavit to, that once again that  
3 this -- what your step-father was accused of never happened?

4 A. Correct.

5 Q. All right. Let me take you back to now when you  
6 were eight years old. Did anything happen to you concerning  
7 your step-father?

8 A. No.

9 Q. Did your step-father ever sexually molest you?

10 A. No.

11 Q. Did he ever touch you inappropriately?

12 A. No.

13 Q. Do you remember giving trial testimony that you say  
14 his ding-a-ling?

15 A. Do I remember? See.

16 Q. Okay. And where did you get that suggestion from;  
17 or was it a suggestion?

18 A. It was a suggestion from Helen Paramore.

19 Q. Okay. And when that suggestion was made to you, did  
20 you know what part of the male body that she was even talking  
21 about?

22 A. No, I did not.

23 Q. Do you also remember, that in the trial transcript  
24 that has been introduced into the evidence today, that you  
25 testified that your father penetrated you sexually in your

1 vagina?

2 A. Do I remember?

3 Q. Do you remember making -- giving that testimony?

4 A. I remember that, yes.

5 Q. Okay. And at that time, if someone said to you,  
6 "Beverly were you penetrated sexually?" Did you really know  
7 what those words meant?

8 A. No, I did not.

9 Q. As an eight-year-old, how did you refer to your  
10 private parts?

11 A. I knew it as private part area or pee-pee.

12 Q. Okay. And is that the household language?

13 A. No.

14 Q. Or in your household was that the language that  
15 y'all used?

16 A. Oh, yeah. That's what I used. I misunderstood.  
17 Yes.

18 Q. I'm sorry. Okay. And did you ever hear your mother  
19 or your father refer to your area as your vagina?

20 A. No.

21 Q. All right. Did you ever hear your mother or your  
22 father refer to themselves -- or your father refer to himself  
23 or to your little brothers as having a ding-a-ling?

24 A. No.

25 Q. Did you have a name for the private parts of your

1 little brothers at that time?

2 A. I just called it pee-pee.

3 Q. Okay. And also do you remember giving a statement  
4 to the Killeen Police Department?

5 A. Yes.

6 Q. Okay. And in that statement, did you ever say, "I  
7 am a black -- I am black female, eight-years-old."?

8 A. No.

9 Q. Would those have been the words that you would have  
10 chosen?

11 A. No.

12 Q. Did you know what your address was at that time?

13 A. No.

14 Q. So if there's an address that was referred to in  
15 this actual police report, would those have been your words?

16 A. No.

17 Q. Umm. There were some other things that were put  
18 into this police report that talked about your father inserting  
19 his fingers into -- and popsicle sticks into what this report  
20 says you referred to as your pussy. Do you ever remember that?

21 A. No, I do not.

22 Q. Do you remember knowing that word at that time?

23 A. No, I do not.

24 Q. There was also an allegation made that your father  
25 took glass and wrapped it up in a wash cloth and that he rubbed



1 you with it in your private area. Do you remember making that  
2 statement to Helen Paramore?

3 A. I remember making a statement.

4 Q. Okay. And where did that statement come from?

5 A. It was -- at this time, I was already taken from the  
6 house that I started to exaggerate. So it was out exaggeration  
7 that I said that.

8 Q. Okay. How would you characterize answering  
9 questions at that time?

10 A. Umm. Not really wanting to answer the questions,  
11 because I didn't understand them. But a lot of that stuff I  
12 just didn't understand and I was never explained to so I  
13 just --

14 Q. If we were to say or if I were to say that you would  
15 answer questions based on pleasing people, would that be  
16 correct?

17 A. Yes.

18 Q. Okay. And when -- in the case of Ms. Paramore, were  
19 you trying to please her?

20 A. Yes.

21 Q. By answering the questions that you thought that she  
22 wanted you to answer?

23 A. Yes.

24 Q. And how she wanted you to answer them?

25 A. Well, she wanted me to stick with the story that

1 first began when I told her from the hospital. And she wanted  
2 me to say that my step-dad was guilty of sexually molesting me.

3 Q. Okay. When did you first hear those words that you  
4 had been sexually molested?

5 A. I heard them -- what do you mean? Like my age wise?

6 Q. Well, -- hospital -- after you came out the  
7 hospital?

8 A. After I came out of the hospital.

9 Q. Okay. And do you ever remember anybody telling you  
10 that if you said certain things that you would go home to be  
11 with your parents and your family?

12 A. Yes. Yes.

13 Q. And is that what you expected to do?

14 A. Yes.

15 Q. When did you find out that that wasn't the truth?

16 A. After I was taken from my parents and put into  
17 foster care.

18 Q. Okay. And how long was that? Do you remember?

19 A. I was taken from them immediately and put into  
20 foster care immediately. I would say immediately.

21 Q. Okay. And over the years, have there been times  
22 when there have been parole hearings scheduled?

23 A. Yes.

24 Q. And have you ever voluntarily appeared at any of  
25 those hearings?

1 A. Yes.

2 Q. How many times have you appeared at hearings?

3 A. Umm. I appeared in one.

4 Q. Okay. Do you remember when that was?

5 A. Yes.

6 Q. When was it?

7 A. Back in November of 2005.

8 Q. All right. And that was a parole hearing for Brian

9 Kevin Troupe; is that correct?

10 A. Yes.

11 Q. Okay. Were you allowed to testify at that hearing?

12 A. Yes.

13 Q. Okay. And when you testified, at that hearing, do

14 you know if there were any direct results of that?

15 A. I believe so. Yes.

16 Q. Okay. What do you think the direct result of your

17 testimony was?

18 A. I told them what happened, how all this began, and

19 my dad was pretty much released after that.

20 Q. Okay. And how many times have you been able to tell

21 your refuted story in an actual hearing?

22 A. Umm. That was the first time.

23 Q. Okay. You understand that there was a hearing

24 before where there was a Mr. Odom that was your dad's lawyer.

25 Do you remember that?

1           A.    I don't remember that.

2           Q.    Did you ever speak with Mr. Odom?

3           A.    Not that I remember.

4           Q.    Did he ever contact you about testifying in that  
5 hearing?

6           A.    No.

7           Q.    Do you know whether or not, at that time, he knew  
8 that you were refuting your story?

9           A.    I have no idea.

10          Q.    Okay. Now, in coming here today have your parents  
11 promised you anything?

12          A.    No.

13          Q.    Has anybody told you that y'all are going to have  
14 this great, big family reunion if you come in here and tell  
15 this story?

16          A.    No.

17          Q.    Have you been in contact with your family since you  
18 have been an adult?

19          A.    Yes.

20          Q.    Okay. What was the first contact that you had with  
21 your family?

22          A.    I would say -- with everybody -- I would say, maybe  
23 a year or so after daddy was released.

24          Q.    Okay. And did you ever -- was there ever a time  
25 that you went back home?

1           A.    Yes.

2           Q.    Okay.  And when was that?

3           A.    Right after I turned 18 from foster care.

4           Q.    Okay.  So as soon as you were released from foster  
5 care, you went back home?

6           A.    Yes.

7           Q.    All right.  And then there after you married and  
8 moved with your husband; is that correct?

9           A.    Right.

10          Q.    During the time that you were in foster care, did  
11 you ever speak to your foster parents about these things not  
12 being true?

13          A.    Yes.

14          Q.    And how often did you do that?

15          A.    Well, vary often.  And I was placed in several  
16 homes.  And I told each and every one of them -- I told them on  
17 an occasional basis -- very often.

18          Q.    Okay.  When was the first time you ever told anybody  
19 that this story was not true?

20          A.    Well, I immediately went to -- I immediately --  
21 after I was taken from my parents and placed in foster care,  
22 the very next time I saw Helen Paramore I told her.  I told her  
23 that it didn't happen.  It was not the truth.

24          Q.    Okay.  And do you remember how old you were at that  
25 time?

1 A. I was eight years old.

2 Q. Okay. So you were still eight years old. When's  
3 your birthday?

4 A. August 15th '78.

5 Q. Okay. So somewhere between April of 1987, when this  
6 trial occurred, and August of '87, you told Ms. Paramore that  
7 this -- that nothing ever happened to you?

8 A. Correct.

9 Q. Now, you understand that when you went to the  
10 hospital you had certain injuries?

11 A. Yes.

12 Q. Okay. And you had described a burning; is that  
13 correct?

14 A. Right.

15 Q. And did you ever tell anybody how that occurred?

16 A. Yes, I did.

17 Q. Okay. Who did you tell?

18 A. I told my mother.

19 Q. All right. And what -- do you remember what you  
20 said to your mom as to what your injuries were?

21 A. Well, at one point, I told her that I had falled out  
22 of a tree, which on several occasions I did that, and I fell on  
23 some branches, and I hurt myself.

24 Q. Okay. As a child would you describe yourself as an  
25 active child or?

1           A.     Very active.

2           Q.     Okay.  Could you tell what some of the things you  
3           did were -- that you did in being active were?

4           A.     Yes.  I climbed trees on a daily basis.  Sometimes I  
5           climbed the trees with shoes.  Sometimes I didn't.  Sometimes I  
6           had underwear on.  Sometimes I didn't.  I was never in one  
7           place for a minute.  I just kind of was everywhere.  I just  
8           was -- I went a lot of times to my friend's house.  We'd climb  
9           the trees together.  Basically, did a lot of tree climbing.  
10          That's -- I was very active.

11          Q.     Okay.  Do you also understand that you were -- you  
12          were -- you at some point -- it is alleged that you, at some  
13          point, told Ms. Paramore that your father penetrated your  
14          vaginal area with popsicle sticks.  All right.  Where did that  
15          story come from?

16          A.     I exaggerated on the popsicle sticks.  But  
17          penetrated it was suggested to me.  Because she asked me have I  
18          ever been penetrated, and I added the popsicle sticks with it  
19          when I told her yes.

20          Q.     Okay.  Did you know what the word penetrated meant?

21          A.     I did not know what that meant.

22          Q.     Did you know where she was talking about being  
23          penetrated?

24          A.     I did not know.  No.

25          Q.     So you could have been talking about sticking a

1 popsicle stick in your mouth?

2 A. Exactly.

3 Q. All right. Do you ever remember saying that your  
4 father penetrated you by inserting his ding-a-ling in your  
5 booty?

6 A. Say that again.

7 Q. Do you ever remember telling anyone, Ms. Paramore or  
8 anyone else, that your father penetrated your body, your  
9 person, by inserting his ding-a-ling in your booty?

10 A. Yes.

11 Q. Okay. And where did that story come from?

12 A. She asked me if that -- if I -- it was suggested  
13 again. She asked me if I had ever had his ding-a-ling  
14 penetrated in me.

15 Q. Is there any reason that you would come into this  
16 Court under oath, and -- and lie?

17 A. No reason.

18 Q. Is there any reason that you would do all these  
19 affidavit over the years and swear to them to tell a lie?

20 A. No.

21 Q. Do you feel like you owe your parents anything?

22 A. No.

23 Q. Do you feel like you owe Brian Troupe anything?

24 A. No.

25 Q. Are you telling the Court that this is absolutely



1 the truth of the matter?

2 A. Yes.

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

4 CROSS EXAMINATION

5 BY MR. PROCTOR:

6 Q. Ms. -- I guess it's Enoch, you said you had married.

7 Where do you -- what city do you reside in?

8 A. Houston.

9 Q. Okay. And has either of you been married before;  
10 you or your husband?

11 A. My husband has.

12 Q. Okay. And do you have any children with your  
13 husband?

14 A. Currently, no.

15 Q. So are you -- you're telling the Court then that  
16 this was all basically contrived by the D.A.'s Office and the  
17 DHS?

18 A. Correct.

19 Q. And you went along with this because you were told  
20 you wouldn't go home if you didn't?

21 A. Correct.

22 Q. Now, you -- you're saying also that these  
23 allegations of abuse were either exaggerations or just plain  
24 made-up, right?

25 A. Yes.

1 Q. Do you recall when your family lived in Germany?

2 A. Yes.

3 Q. Do you recall being taken to the doctor in Germany  
4 and being treated?

5 A. Yes.

6 Q. And do you recall, basically, having the same kind  
7 of symptoms, maybe a little less so, that you were alleging  
8 when you were treated here in Killeen? Didn't you alleged that  
9 you had burning on urination?

10 A. Yes.

11 Q. Okay. And the treatment, is it not correct, in that  
12 instance, was they did cultures and you were given some topical  
13 cream to relieve the symptoms because there was no evidence of  
14 bacterial infection after they got the cultures back, right?

15 A. Correct.

16 Q. Now, basically, those were the same allegations and  
17 -- and let me back up. What age were you at that time; do you  
18 recall?

19 A. I was somewhere between five and six.

20 Q. Okay. And so moving on down to being here in  
21 Killeen. You were taken into the hospital with the same kind  
22 of complaints. Maybe a little more grave, but it was the same  
23 burning on urination and they did cultures, and they didn't  
24 find anything, right?

25 A. Right.

1 Q. And isn't it correct that you were taken to the  
2 hospital on December 10th of 1986, twice? Not once, but twice.  
3 You were taken once by your mother; isn't that correct?

4 A. Uh-huh.

5 Q. And you went home and then they brought you back to  
6 the ER; isn't that correct?

7 A. Yes.

8 Q. And from the ER, you were then admitted to the  
9 hospital by the -- the attending physician, because he felt  
10 that from what he saw, there were some questions that needed to  
11 be answered; is that correct?

12 A. Correct.

13 Q. Okay. Now, so you had the doctor examine you. He  
14 sees -- he sees the -- he makes these observations. A trained  
15 medical professional. And he testified in the record, which I  
16 can, you know, point it out to you, that not only did you have  
17 abrasions and lacerations to your vaginal area, but your  
18 vaginal area was -- entrance and canal was dilated to the  
19 extent that he would describe of a sexually active adult female  
20 and you were eight years old. Now, what is your explanation  
21 for that?

22 A. Well, I don't remember being taken to the hospital  
23 twice. But as far as that is concerned, I don't remember being  
24 told I was dilated. But like I said, I was very active and --

25 Q. Well, you -- you may not remember it, but wouldn't

1 you agree, if you've looked at this record at all, that's what  
2 the doctor's testimony was?

3 Okay. If I could approach the witness, Your  
4 Honor,

5 THE COURT: All right.

6 Q. (BY MR. PROCTOR) Let me have you look at this  
7 document and see if you can identify it. Is someone named in  
8 the document?

9 A. Umm. Okay, yes.

10 Q. Okay. Is the document signed?

11 A. Yes.

12 Q. Okay. And let me have you just -- just keep that.

13 Now, according to the record, are you contesting the fact that  
14 Dr. Mujica examined you and found that you -- and concluded  
15 that you had been sexually abused?

16 A. I would have no idea who examined me. But I have no  
17 idea.

18 Q. Well, it's in the -- it's in the record that he  
19 testified at your -- at your step-father -- your father or your  
20 step-father -- he did adopt you, did he not?

21 A. Yes.

22 Q. Okay. So he is your father. Do you know -- have  
23 you ever met your natural father?

24 A. Yes.

25 Q. And where is he?

1           A.    He is now deceased.

2           Q.    And when did he die?

3           A.    Back in June of 2004.

4           Q.    Okay. Now, Dr. Mujica when he examined you, found

5 these very unusual observations when looking at an

6 eight-year-old child, which is why you were admitted to the

7 hospital for further examination. Do you deny that?

8           A.    No.

9           Q.    Okay. Now, referring back to Germany, as part of

10 your medical record, your treatment in Germany was included,

11 which Dr. Mujica testified that he also reviewed and that led

12 him to a conclusion that this apparently was consistent,

13 whatever was happening. And that you need to be examined

14 further. Because Germany apparently -- do you recall any kind

15 of examination in Germany?

16           A.    No, I don't.

17           Q.    Okay. Well, I think the record would also agree

18 with you that there was no examination of any kind in Germany.

19 So the first time you were examined for this problem, whatever

20 it was, would you agree was here?

21           A.    Yes.

22           Q.    Now, so DHS and the DA's Office, would they have any

23 control over what -- what happened to you in Germany in terms

24 of you being examined and this being part of their reason for

25 charging your father or what?

91

1 A. No.

2 Q. Okay. Now, did you go back -- you -- you testified  
3 that -- you testified at the trial which you now maintain  
4 is -- is -- was all contrived and coached, but you didn't go  
5 back home. Why didn't you go back home; do you know?

6 A. When I was eight years old?

7 Q. Yes.

8 A. Well, because I actually had no idea why I never  
9 went back home.

10 Q. Did anyone -- did you ever ask anyone? Or were you  
11 told -- no one told you why you didn't go back home?

12 A. I remember asking several occasions, but I was never  
13 told why.

14 Q. Okay. Did you ask Ms. Paramore, since she was  
15 apparently so involved in all this?

16 A. Yes, I did.

17 Q. Okay. And what did she -- do you remember what she  
18 told you?

19 A. I -- I never got -- I never remember she said  
20 anything to me about why I didn't go back home.

21 Q. Have you ever asked your mother why didn't you go  
22 back home?

23 A. I believe I asked her once in a visitation.

24 Q. And did she explain to you why you didn't go back  
25 home?

1 A. I was told she was not allowed to.

2 Q. Okay. By whom?

3 A. I don't know. That's all I was told.

4 Q. So basically, you were led to believe that it was  
5 your fault because you testified in certain matters that your  
6 father was in prison, and you were not allowed to go back home?

7 A. That's what I was lead to believe, yes.

8 Q. So when all this happened, why if your reason for  
9 doing this whole charade was to please Ms. Paramore and the DHS  
10 and the DA'S office so you could be sent back home, why didn't  
11 you immediately come out with the -- and tell people that this  
12 was all -- this was not the truth? And you only did this  
13 because you wanted to go back home?

14 A. Can you rephrase that please?

15 Q. Well, you -- that you -- you perpetrated,  
16 supposedly, the charade because you were told that you had to  
17 say certain things in order to be sent back home and that  
18 didn't happen. And so why did you -- did you continue to agree  
19 and go along with it?

20 A. I just thought whatever I was saying wasn't good  
21 enough. And I thought maybe if I exaggerated to make them  
22 happier I will go home, eventually.

23 Q. But you never did.

24 A. And that's why kept exaggerating. Because I thought  
25 I would be able to go home.

1 Q. So why would DHS keep you out of the home if the  
2 person who was convicted of sexually abusing you was no longer  
3 in the home?

4 A. I never -- I never knew why.

5 Q. Is it possible that, after the trial, DHS did try to  
6 place you back in the home?

7 A. No.

8 Q. Why is that not possible?

9 A. Well, I remember they kept saying that I was not  
10 going to go home, because my mother didn't love me anymore.

11 Q. Uh-huh.

12 A. And I was told that by several case workers.

13 Q. Well, is it possible that she didn't?

14 A. That's not possible.

15 Q. Is it possible that she told them she didn't want  
16 you back in the home?

17 A. That's not possible.

18 Q. Why would that not be possible?

19 A. Because we were a loving family and very happy, and  
20 we never had any bad -- anything that happened in our family  
21 life until we came to Texas.

22 Q. Did DHS try to place you with any family members?

23 A. No, they did not.

24 Q. Is it possible that they were told that nobody in  
25 the family wanted you?



1           A.     That is not possible, because somebody did.

2           Q.     So you said you were in several foster homes.  Where

3 were they?  Was it in Houston, was it in Bell County?

4           A.     They were all over Texas.

5           Q.     How many foster homes were you in?

6           A.     Seven.

7           Q.     Okay.  And which foster home did you stay in the

8 longest?

9           A.     Mr. and Mrs. Brooks home.

10          Q.     Mr. and Mrs. who?

11          A.     Brooks.

12          Q.     And that's here in Bell County, right?  Estelle

13 Brooks?

14          A.     Yes.  Yes.

15          Q.     She was at your -- your -- the defendant's trial

16 with you?

17          A.     Right.

18          Q.     Now, you testified that -- or let me rephrase that.

19 You've told in the -- in your statement, you recall -- you

20 recall signing your statement?

21          A.     I don't remember signing it.

22          Q.     Okay.  Do you recall giving the statement?

23          A.     Yes, I do.

24                   MR. PROCTOR:  Let me approach -- if I may

25 approach the witness, Your Honor?

1 Q. (BY MR. PROCTOR) Can you identify this signature?  
2 A. Yes.  
3 Q. Okay. Is that your signature?  
4 A. Yes.  
5 Q. And is that your signature at the end of the  
6 document?  
7 A. Yes.  
8 Q. So you would agree that this is -- I'll give you a  
9 chance to look at it for a minute. Is this the statement that  
10 you gave?  
11 A. I don't remember giving this statement. A lot of  
12 those words I don't remember saying.  
13 Q. Okay. So you -- obviously, you didn't type it at  
14 eight years old?  
15 A. Right.  
16 Q. But did you discuss and dictate the statement to the  
17 person who took it?  
18 A. Possible. I don't remember.  
19 Q. But this is your signature?  
20 A. Uh-huh.  
21 Q. And the document is -- is dated sworn to what day?  
22 A. December 18th of '86.  
23 Q. Okay. So that would have been around the time that  
24 this all happened?  
25 A. Yes.

al

1 Q. Do you ever remember telling your mother that you  
2 were being sexually abused?

3 A. No.

4 Q. Do you -- do you ever remember giving -- well, let  
5 me ask you. We never got finished talking about why your --  
6 the entrance to your vagina, which the doctor discovered and  
7 your vaginal canal were like -- at eight-years-old were like  
8 that of a grown woman -- an adult -- a sexually active adult  
9 female. Those are the doctor's exact words. And what is your  
10 explanation for that?

11 A. I was never told that. I never saw myself, so I  
12 don't know.

13 Q. But this happened -- this -- this -- this -- these  
14 were the doctor's findings?

15 A. Uh-huh.

16 Q. Okay. So I'm -- what I'm asking you is -- and since  
17 you were the person that these -- these observations were made  
18 on, what -- even at eight-years-old you would remember. What  
19 would be your explanation for having such an unusually large  
20 vaginal entrance and canal for an eight-year-old girl?

21 A. Once again, I never knew that. All I knew about the  
22 scratches and what happened. But an opening like that, I never  
23 knew -- I never knew that.

24 Q. Well, that goes with the findings though. So it  
25 doesn't -- I mean, we're not discussing whether or not you knew

1 it, but you of all people would know how it happened. Because  
2 this is -- this was very unusual. If you recall -- you may not  
3 recall from the testimony, but are you aware that Dr. Mujica  
4 testified that at your age this -- this opening should have  
5 been a few centimeters rather than like an inch or more which  
6 it was. And do you recall being told that the examination also  
7 found that you had not hymenal membrane at eight years old? Do  
8 you recall that?

9 A. No, I don't.

10 Q. Well, those were the findings. And you're saying  
11 that you don't remember -- climbing trees or whatever, I mean,  
12 that could be the only explanation for these findings?

13 A. I don't know. I had a doctor, when I was fourteen,  
14 told me I still had a hymen. But I don't remember  
15 eight-years-old being told anything like that.

16 Q. Well it's -- it's in the record several times. If  
17 you care to look. Now, basically, your -- your -- your story  
18 is that Ms. Paramore was being these allegations against your  
19 father. Did she know your father?

20 A. No.

21 Q. Okay. And so I would assume that your family wasn't  
22 the only family where allegations of sexual abuse were  
23 occurring. And they had plenty to do I'm sure. So why would  
24 she take time to make-up the story to get your father sent to  
25 prison?

1 A. I don't know.

2 Q. So if she says she didn't coach you, she didn't tell  
3 you anything, that you told her the story, she would not be  
4 telling the truth?

5 A. Say that again.

6 Q. If she -- if she testifies that she did not coach  
7 you, she did not tell you what to say, that you told her the  
8 story, she would be not telling the truth?

9 A. Correct.

10 Q. Now, if she testifies that she spoke to you for  
11 approximately, three hours the day after you had been sedated,  
12 and they did the exam, and they -- all these findings, the  
13 doctors, then she wouldn't be telling the truth? Because you  
14 said it was an hour. So if she said it was three hours, she  
15 wouldn't be telling the truth?

16 A. I was just eight-years-old. I don't remember.

17 Q. Now, so if Ms. Paramore testified that you told her  
18 that your mother told you to say that you didn't know who had  
19 sexually abused you, that would not be the truth?

20 A. Repeat that please.

21 Q. If Ms. Paramore testified that you told her that  
22 your mother told you to tell her that you didn't remember or  
23 you didn't know who sexually abused you, that wouldn't be the  
24 truth?

25 A. Correct.

1 Q. Now, you are aware, are you not that your mother  
2 testified at trial that she agreed with the doctors findings  
3 and that she agreed that you had been sexually abused?

4 A. I'm not aware.

5 Q. You're not aware of that?

6 A. No.

7 THE COURT: Mr. Proctor, I need to take a  
8 recess, and stretch a little. So let's take about a  
9 fifteen- minute recess.

10 MR. PARKER: Okay.

11 MS. BALDWIN: Thank you, Judge.

12 (Break taken from 10:30 a.m. to 10:49 a.m.)

13 THE COURT: All right, Mr. Proctor, you may  
14 continue.

15 MR. PROCTOR: Thank you, Your Honor.

16 Q. (BY MR. PROCTOR) We were discussing the fact that  
17 your mother agreed with the doctor's conclusion that you had  
18 been sexually abused, and you said you weren't aware of that;  
19 is that correct?

20 A. Correct.

21 Q. On page 218 of Volume III of the trial transcript,  
22 your mother is on the stand and is being cross-examined by an  
23 Assistant District Attorney, by the name of John Phinizy, who  
24 was assisting in the case and trying the case with the lead  
25 attorney who was Rusty Carroll. And he asked her a series of

1 questions about this issue. And I just wanted to refresh your  
2 memory if you weren't aware.

3                   And he begins Line 8, question -- talking to  
4 your mother. He's talking to your mother. "You think that  
5 after these charges if he gets to go back home with you it will  
6 just stop and go away?" And her answer, "What? All of this  
7 abuse?" And his question. "Yes." "There was never any abuse  
8 of her that I know of. My daughter never told me any of this."  
9 Question. "You heard what the doctor said about the size of  
10 her vagina?" Answer. "Yes. I did hear that." Question.  
11 "And you heard what he said and told you she would -- told you  
12 she was sexually abused." Yes -- I mean, excuse me. "He  
13 believed that she was sexually abused." Answer, "Well, I'm no  
14 doctor. And he told me that, so I have to believe that."  
15 Question. "So you now believe that she was sexually  
16 assaulted." Answer. "Yes, I do." Question. "And you believe  
17 like the doctor says that it's been going on for some period of  
18 time." Answer. "That's what he said. Yes." Question. "Do  
19 you believe that?" Answer. "Yes." Question. "And that she  
20 has the vagina of a sexually active adult female?" Answer.  
21 "Yes." "And you know that didn't -- that didn't cause by  
22 falling down on some kind of bump or some kind of injury."  
23 Answer, "No." And then they go on to discuss other issues.

24                   But now, do you still deny that your mother  
25 believed you were sexually assaulted?

1 A. I don't believe that.

2 Q. Did she ever tell you she believed that you were  
3 sexually assaulted?

4 A. No, she did not.

5 Q. So I'm still -- I'm still searching for an answer to  
6 the question as how did these injuries, particularly the size  
7 of your vagina according to the doctor, how did that happen?

8 A. Well, the size I don't ever recollect, because I  
9 don't know anything about that. But the injuries and  
10 scratches, I did at home myself, as climbing trees. And that  
11 particularly I remember, because I bled right afterward.

12 Q. So the climbing trees also led to the burning in  
13 urination?

14 A. Yes, it did. And I did it years later on --

15 Q. So you climbed trees in Germany too?

16 A. Uh-huh. Everywhere.

17 Q. Okay. And now, you said that you appeared at the  
18 parole hearing in '05. You said November; is that correct?

19 A. I believe it was November, yes.

20 Q. Wasn't your -- your -- the defendant paroled in  
21 January?

22 A. Yes.

23 Q. So why would he be having a parol hearing about his  
24 release in November?

25 A. He was sent back to jail.



1 Q. Oh. That same year that he was paroled?

2 A. Uh-huh.

3 Q. Okay. Now, the -- I guess, the ultimate issue in  
4 this case is you're saying you were never sexually assaulted;  
5 however, the doctor's findings say different. And your  
6 parents, neither one of them, gave any explanation for how you  
7 could have -- any reasonable explanation that would explain  
8 your injuries. Neither one of them did. And your father was  
9 convicted, because they didn't.

10 And now you're coming to the Court and asking  
11 the Court to believe you. But nobody has given the Court any  
12 reason to disbelieve what they represented with the trial. So  
13 are you saying -- telling the Court that the Court should just  
14 believe you based on no other suspects, no other explanation as  
15 to why you had suffered these injuries?

16 A. Correct.

17 Q. And why should the Court do that?

18 A. Because I'm telling the court that as a child I had  
19 never been sexually molested. And I did the injuries to myself  
20 as far as how active I was.

21 Q. Okay.

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

23 MS. BALDWIN: Very briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. BALDWIN:

1 Q. Now, you understand that when you were taken to the  
2 doctor it was shown that you had abrasions and lacerations to  
3 your outer labia majora and minora; you understand that?

4 A. Yes.

5 Q. And now, as an adult, do you know what parts of your  
6 body those are?

7 A. Yes.

8 Q. Okay. And does that have anything to do with your  
9 vaginal area?

10 A. No.

11 Q. Okay. Have you read the reports that your -- that  
12 the doctors gave back then?

13 A. Yes.

14 Q. Okay. And when they say that you had abrasions and  
15 lacerations on the outer area of your labia minor and majora is  
16 that where you remember having those lacerations?

17 A. In a sense, yes.

18 Q. Okay. And when the statement as made and when you  
19 told your mom that it burned when you urinated, was it the  
20 abrasions and the lacerations that were burning?

21 A. No.

22 Q. Okay. Was it from your urinary track that you were  
23 burning?

24 A. Yes.

25 Q. All right. Are there any allegations that anybody

1 ever penetrated any part of your urinary tract or anything of  
2 that nature?

3 A. No.

4 Q. Okay. How many times did anyone interview you in  
5 the presence of your parents?

6 A. None.

7 Q. Is it true or not true that you were separated from  
8 your parents and then the questions were beginning to being  
9 asked of you?

10 A. Correct.

11 Q. Okay. And at no time, were you ever able to talk to  
12 your parents during this entire exercise?

13 A. Correct.

14 Q. And as a matter of fact, when you would try to bring  
15 up the subject, your parents wouldn't talk to you about it; is  
16 that right?

17 A. Correct.

18 Q. Okay. Is it also true that you tried to ask Helen  
19 Paramore about certain situations in this case?

20 A. Correct.

21 Q. And would she tell you anything?

22 A. No, she would not.

23 Q. Now, at the age of eight, were you actually able to  
24 dictate a statement?

25 A. No. I was not.

1 Q. Okay. So when they start that name out with, "My  
2 name is Beverly Troupe, and I am an eight-year-old black  
3 female." Would that be something that you said?

4 A. No, it would not.

5

6 (Judge Bachus sneezed.)

7 MS. BALDWIN: Was that an objection, Your  
8 Honor?

9 THE COURT: No. Snuck up on me.

10 MS. BALDWIN: It gottcha.

11 Q. (BY MS. BALDWIN) Okay. And so when -- when -- when  
12 it says that the statement was dictated by you, is that the way  
13 you would have told the story as an eight-year-old?

14 A. No.

15 Q. Okay. Now, you intimated that a few months ago  
16 Mr. Proctor, was cross examining you, that at the age of  
17 fifteen, you did actually have a pelvic examination; is that  
18 correct?

19 A. Yes.

20 Q. Do you remember the doctor that did that  
21 examination?

22 A. It was the age of fourteen and yes, I do remember.

23 Q. Fourteen. I'm sorry. And who was that doctor?

24 A. Dr. Gold.

25 Q. And when -- after the doctor finished the

1 examination, who did he have a discussion with?

2 A. He had a discussion with my foster parent.

3 Q. Okay. And at that time was that Ms. Brooks?

4 A. No. That was -- no. It wasn't. Ms. Sanders.

5 Q. Okay. And when he had that discussion with

6 Ms. Sanders were you present?

7 A. Yes, I was.

8 Q. And for the purposes of medical diagnosis, what did

9 he say to her?

10 A. He told her that, no worries, everything looks good

11 and she still has her hymen in tact.

12 Q. Okay. So at -- at the age of fourteen, he said,

13 "Your hymen eas in tact."?

14 A. Yes.

15 Q. To your knowledge do those things grow back?

16 A. No.

17 Q. All right. Now, also you've read the reports of

18 Dr. Mujica. And did he find any other evidence of sexual abuse

19 other than what he called this gaping introitus and a gaping

20 vagina?

21 A. No.

22 Q. All right. Did he ever say, in his report, that he

23 saw any fluids?

24 A. No.

25 Q. Any semen?

1 A. No.

2 Q. Any type of discharge of any kind?

3 A. No.

4 Q. And did he ever say that there was any bruising in  
5 and around the vaginal area?

6 A. No, he did not.

7 Q. Did he ever say that there were any tears?

8 A. No.

9 Q. Is it your understanding, strictly, that what he  
10 considered sexual abuse was the lacerations in and around your  
11 labia majora and minora and this gaping introitus and vagina?

12 A. Right.

13 Q. Now, Mr. Proctor asked you if your parents ever gave  
14 any explanation of why you had a gaping vagina; do you remember  
15 that?

16 A. Yes.

17 Q. Can someone give an explanation of something that  
18 they don't know?

19 A. No.

20 Q. Do you know?

21 A. No.

22 Q. If you did know -- I've heard you a couple of times  
23 refer to Mr. Troupe as your step-father.

24 A. Right.

25 Q. And this is even after he adopted you?

1 A. Right.

2 Q. Do y'all have just a close, close relationship where  
3 you would do anything for him?

4 A. Very.

5 Q. Okay. Would you come into this court and lie for  
6 him?

7 A. No, I would not.

8 Q. If he had actually done this to you would you want  
9 this known to the world?

10 A. Yes, I would.

11 Q. Why?

12 A. Well, basically, to let them know what happened to  
13 me, and who did it and it would be the truth.

14 Q. Okay. Well, would you think that you would have any  
15 duty to protect any other children that may be around him?

16 A. Yes, I would.

17 Q. Do they have any grandchildren?

18 A. Yes. They do.

19 Q. Grandparents? How many grandchildren do they have  
20 now?

21 A. Three, four.

22 Q. Any little girls?

23 A. Yes.

24 Q. Okay. Do you think it would be worth it to protect  
25 your nieces and nephews?

1 A. Yes, I do.

2 Q. But matter of fact, he's never alone with them; is  
3 that correct?

4 A. Right.

5 Q. Do you ever remember a time when your step-father or  
6 your father was alone with you where he did anything to make  
7 you feel uncomfortable?

8 A. Not at all. No.

9 Q. Where did this thing come from about washing you  
10 with the glass?

11 A. It came from me an exaggeration.

12 Q. How would you -- how would you as an eight-year-old  
13 be able to think of something like that?

14 A. Well, it's just something that just came to my mind  
15 as an eight-year-old, and I said it.

16 Q. Okay.

17 A. I thought it would get me home.

18 Q. Do you -- were you aware that -- that during all the  
19 interviews that you went through that at one interview  
20 Ms. Paramore described you as being very sexually aware?

21 A. Do I recall it?

22 Q. Yes. Recall ever seeing that or hearing that?

23 A. No. I do not.

24 Q. That you were described as being very sexually  
25 aware?



1 A. No. I do not.

2 Q. At eight-years-old what was your sexual education?

3 A. Umm. I knew nothing.

4 Q. Okay. Well, you knew -- obviously you knew about  
5 your parts?

6 A. Well, right.

7 Q. Okay. Did you know what the sex act entailed?

8 A. No.

9 Q. Had your mom or anybody else ever explained to you  
10 the coming together of a man and a woman?

11 A. No.

12 Q. When you were testifying that your father placed his  
13 ding-a-ling in your vagina half way, what did you think you  
14 were talking about?

15 A. I had no idea what I was talking about.

16 Q. Where did you get that story?

17 A. I have no idea.

18 Q. You also understand that you were -- that,  
19 basically, there was a finding that you told the same  
20 story -- the same three identical indicators in your story were  
21 always repeated. Number one, that your father sexually  
22 molested you. Number two, that your mother knew about it. And  
23 number three, that he also sexually molested your baby sister,  
24 Connie.

25 Were you aware that that was said -- that you

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1 repeated those same three things each time?

2 A. No.

3 Q. Was there a time when you and Connie were in foster  
4 care together?

5 A. Yes.

6 Q. Okay. And she was returned to your parents, right?

7 A. Correct.

8 Q. Did you just come home one day and find that she was  
9 gone?

10 A. Say that again.

11 Q. Did you just come home one day and find that she was  
12 gone from the foster home?

13 A. Right, yes.

14 Q. Came home from school, right?

15 A. Correct.

16 Q. Okay. How did you feel?

17 A. Umm. I just -- I remember just crying. I went to  
18 the room crying, very upset.

19 Q. Did you make a plan, at that time, that you'd do  
20 anything to get back home?

21 A. Yes.

22 Q. Okay. Did that include saying that your dad didn't  
23 do anything to you just so you could get back home?

24 A. Correct.

25 Q. So you -- you would say that? You would

1 deliberately say that he didn't do anything to you so that you  
2 could get back home? Not that he did, but that he did not?

3 A. No. I would tell that he did, because I thought  
4 that's what they wanted to hear.

5 Q. Okay. So -- but what I'm saying is when you came  
6 home, and you found that Connie was gone, did you make a plan,  
7 in your mind, at that time, to start telling people the  
8 opposite story that he did not, thinking that you could go back  
9 home?

10 A. No.

11 Q. All right. So it's absolutely what you're telling  
12 this court today true that he never did anything to you?

13 A. Correct.

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

15 RE-CROSS EXAMINATION

16 BY MR. PROCTOR:

17 Q. Ms. Troupe, you were just discussing that -- let me  
18 get this straight. You didn't have a reputation in your family  
19 when you were young for being unusually sexual aware; is that  
20 what you're telling the Court?

21 A. Correct.

22 Q. So if your mother said you -- you were then, she  
23 would be lying?

24 A. If she said what?

25 Q. If she said that you were, or you did act out

1 sexually, she'd be lying, right?

2 A. True. Yes.

3 Q. Now, directing your attention to the record of your  
4 trial where your mother testified, page 210 of Volume III. She  
5 was being questioned by the defense attorney, Mr. Potter. And  
6 on direct question he -- so in other words she is his witness  
7 and he is asking her questions. So she is a witness for the  
8 defense for the defendant. Have you -- in question from  
9 Mr. Potter, "Have you ever found your daughter touching herself  
10 in any way." Answer from your mother. "Yes. I have."  
11 Question from Mr. Potter, "In what way, ma'am? I'm not trying  
12 to be crude, but what have you found?" Answer from your  
13 mother. "Well, before I met my husband, my daughter was at the  
14 age of two, and we were all sitting in the living room. She  
15 was masturbating." Question. "And when you say that, you  
16 immediately did what?" Answer from your mother. "I told her  
17 that it wasn't nice, and I kind of popped her a little." So  
18 she just made that up, right?

19 A. I've never heard of that.

20 Q. Okay. Do you know a William Irvin Caldwell?

21 A. Yes.

22 Q. Okay. Is that your uncle?

23 A. Yes.

24 Q. Your mother's brother?

25 A. Uh-huh.

1 Q. Are you aware that he testified at the trial of the  
2 defendant also?

3 A. I wasn't aware.

4 Q. You weren't aware of that. Okay. But if he said  
5 that you had a reputation in the family for being unusually  
6 sexually aware or active, that wouldn't be true would it?

7 A. No, it wouldn't.

8 Q. On direct examination let me point you to page 226  
9 of the Court's Record, Volume III.

10 He is being questioned by Mr. Potter direct  
11 examination. Question. "Sir, you're acquainted with your  
12 daughter -- with her daughter, Beverly?" speaking of his  
13 sister's daughter, you Beverly "are you not?" Answer from  
14 Mr. Caldwell. "Yes." Question from Mr. Potter, "You've been  
15 around Beverly have you not?" Answer. "Yes." Question from  
16 Mr. Potter. "Has her reputation been discussed within the  
17 family?" Answer from Mr. Caldwell. "Yes." Question. "Has  
18 her reputation for truthfulness been discussed in the family?"  
19 Answer. "Yes." Question. "Has she, from time-to-time, told  
20 you some things that weren't true?" Answer. "Yes." Question  
21 from Mr. Potter. "Has your family discussed the reputation  
22 that she bears for being unusually sexually active?" Answer.  
23 "Yes." Question. "And tell us, is she or is she not, does she  
24 or does she not bear a reputation in the family for being  
25 unusually sexually active?" Answer from Mr. Caldwell. "Yes.

1 She does."

2 So he just pulled that out of thin air, right?

3 A. I've never heard of that.

4 Q. So because you've not heard it, it wasn't true?

5 A. I don't remember anything at two years old.

6 Q. Okay. Now, this Dr. Gold who -- who discovered your  
7 hymen had re-appeared apparently at 14, where was this?

8 A. In Killeen at the Metroplex Hospital.

9 Q. Okay. And is he here today to testify to that?

10 A. No.

11 Q. Okay. So basically, the Court just has what  
12 you're -- you're saying; is that correct?

13 A. Yes.

14 Q. Okay. So when the doctor testified that you didn't  
15 have a hymen, he was just apparently making that up; is that  
16 correct?

17 A. Say that again.

18 Q. When the doctor -- Dr. Mujica testified that you did  
19 not have a hymen, that you had a broken hymen, which means it  
20 wasn't operable. It wasn't there before. He was just making  
21 that up; is that correct?

22 A. I would suppose so.

23 Q. Let me direct your attention to Volume III, page  
24 six, of -- Dr. Mujica is being questioned by the Assistant  
25 District Attorney handling the case, Rusty Carroll. And he's

1 discussing you being admitted and the reasons for your  
2 admission to the hospital on December 10th. And Mr. Carroll  
3 asked him a question -- ask -- asks him a series of questions.  
4 And he's talking -- the doctor is discussing talking with your  
5 parents and telling them his -- his findings.

6 And Mr. Carroll asks the doctor, "When did you  
7 talk to the defendant about that?" His answer, "The night of  
8 the admission." Question, "Okay. What did you tell the  
9 Defendant?" Meaning the defendant sitting here today,  
10 Mr. Troupe. "Well at that point" -- Doctor answered told  
11 him -- says -- testifies, "Well at that point, I told him that  
12 there was -- that she had a broken hymen and that alone could  
13 not account for, you know, it could not -- it could have caused  
14 some kind of trauma. But it was bothering me a lot when her  
15 vagina was -- was very, you know, dilated, you know, on the  
16 inside. And that she would have to be admitted for, you know,  
17 investigation for sexual abuse."

18 So when he tells your father these findings,  
19 he's just, apparently, making it up because your hymen  
20 re-appeared at fourteen; is that correct?

21 A. Correct.

22 Q. Now, you discussed this case I'm sure with your  
23 mother several times or many times since you were  
24 eighteen- years- old?

25 A. Yes.

1 Q. And your testimony is that she never once told you  
2 that you were not returned home because she said she didn't  
3 want you?

4 A. Say that again.

5 Q. Your testimony is, you were never told by your  
6 mother that the reason you didn't come home is because she  
7 didn't want you back after the trial; is that correct?

8 A. Yes.

9 Q. Okay. So you didn't -- you didn't -- this is the  
10 first time you've ever heard of that; is that correct?

11 A. Yes.

12 Q. Okay. Thank you.

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

14 MS. BALDWIN: Umm. Just very briefly.

15 REDIRECT EXAMINATION

16 BY MS. BALDWIN:

17 Q. Who else in the family wanted you other than --

18 MS. BALDWIN: Strike that.

19 Q. (BY MS. BALDWIN) Mr. Proctor asked you whether you  
20 or not you were ever told that nobody else in your family,  
21 including your mother wanted you. Do you remember that  
22 question that he asked you?

23 A. Right. Uh-huh.

24 Q. And you said yes, there was someone else who wanted  
25 you. Who was it?



1 A. My aunt and uncle in New Jersey.

2 Q. Okay. And what are their names?

3 A. Eadie and Charlie Caldwell.

4 Q. Callwell?

5 A. Caldwell.

6 Q. Caldwell. Okay. So the Caldwell's -- is this the  
7 same Mr. Caldwell that testified in court?

8 A. No.

9 Q. Okay. But the Caldwell's did want you to come and  
10 live with them; is that correct?

11 A. Yes.

12 Q. And did that ever happen?

13 A. No.

14 Q. Do you know whether or not there was ever a home  
15 study done on them?

16 A. I have no idea.

17 Q. Okay. Do you know what steps, if any, that CPS took  
18 to get you to them?

19 A. No.

20 Q. All right. Now, the fact that you masturbated as a  
21 two-year-old or that you even touched yourself or that you had  
22 a reputation for being sexual, in the family, does that mean in  
23 your mind that you were sexually aware of what happens between  
24 a man and a woman?

25 A. No.

1 Q. That you were aware of what sexually takes place  
2 during intercourse?

3 A. No.

4 Q. Did anybody ever ask you to describe your father's  
5 genitalia?

6 A. No.

7 Q. Did they ever ask you how did you know what you --  
8 what you referred to as his ding-a-ling, what that part looked  
9 like?

10 A. Not at all. No.

11 Q. Did you know?

12 A. No.

13 Q. Did you ever see your father naked?

14 A. No.

15 Q. Had you seen your little brothers naked?

16 A. Maybe once or twice in the bath.

17 Q. Okay. So is it your testimony, to this Court, that  
18 you didn't know what an adult male looked like -- the genitalia  
19 on an adult male looked like until you were what age?

20 A. Teenager, 18, 19.

21 Q. Okay.

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

23 MR. PROCTOR: No further questions, Your  
24 Honor.

25 THE COURT: Ma'am, you may step down. You