

1 A. In my experience, yes. Most offenders do admit to
2 some sort of portion or all of their -- their crime. There
3 are -- there are offenders that, in my experience, that
4 are -- they don't want to admit it at first, but as they move
5 on with the program, some will admit at that point.

6 Q. But that's never happened in this case?

7 A. Not to my knowledge.

8 Q. Okay. But since you -- yeah. Since you've been
9 supervising?

10 A. Yes, sir.

11 MR. PROCTOR: Thank you, Your Honor. No
12 further questions.

13 MS. BALDWIN: Nothing further, Your Honor.

14 THE COURT: May he be excused?

15 MR. PROCTOR: Yes. Yes, Your Honor.

16 THE COURT: Officer you may step down. You're
17 excused as a witness in this case. Call your next witness.

18 MR. PROCTOR: Joan Robinson.

19 MS. ROBINSON: Thank you.

20 THE COURT: Just have a seat right there
21 please.

22 MR. PROCTOR: I don't believe she has been
23 sworn, Your Honor.

24 MS. BALDWIN: Yeah. She was sworn in.

25 MR. PROCTOR: Oh you have? Okay. I'm sorry.

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JOAN ROBINSON

having been previously duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. PROCTOR:

Q. Ms. Robinson, could you state your name for the record, please?

A. Wesleyan Joan Robinson.

Q. And you are currently residing in what city?

A. Pipe Creek, Texas.

Q. And what major city is that near?

A. San Antonio.

Q. Okay. And how are you currently employed?

A. I am a nurse.

Q. Okay. And how long have you been a nurse?

A. 20 years.

Q. Okay. Let me take you back to the 1980's. How were you employed at that time?

A. I was employed by the Killeen Police Department.

Q. Okay. And you were then I assume employed in that capacity as -- in 1986?

A. Yes.

Q. And how long did you work for the Killeen Police Department?

A. 12 years.

Q. Okay. And so you started in what year and --

1 A. 1977.

2 Q. -- and you left in 19?

3 A. '89.

4 Q. '89. I see. Now, some of your duties or one of
5 your duties may be, I assume, at some point, was the
6 investigation of different cases?

7 A. Yes, sir.

8 Q. Okay. Do you -- the investigation of the cases
9 involved I assume talking to the witnesses and gathering
10 information and putting it all into an offense report?

11 A. Yes, sir.

12 Q. Okay. And then from that office report to the DA's
13 office for us to either issue a warrant or refuse it or what?

14 A. Yes, sir.

15 (State's Exhibit B and C marked)

16 Q. Okay. Do you -- well let me ask you to look at
17 this -- what's been marked as State's Exhibit B and C. And
18 tell me if you can identify them.

19 A. They are -- I'm sorry. They are statement that were
20 taken for the Killeen Police Department in an investigation.

21 Q. Okay. And does your signature appear on those
22 statements?

23 A. Yes, sir, they do.

24 Q. Okay. And when were they taken?

25 A. One was taken the 31st of December 1986. The other

1 the 18th of December 1986.

2 Q. And during that time, were you investigating a
3 sexual assault case involving an eight-year-old child -- female
4 child by the name of Beverly Troupe?

5 A. Yes, sir.

6 Q. Okay. And did you take statements from witnesses in
7 conjunction with that investigation?

8 A. Yes, sir.

9 Q. Okay. And the exhibits that I showed you, would
10 these have been the statements that you took?

11 A. Yes, they are.

12 Q. Okay. And one statement, Exhibit B is from who,
13 what person?

14 A. Samuel Mujica.

15 Q. Okay. And Exhibit C is from who?

16 A. Beverly Troupe.

17 Q. Okay. And you witnessed both these statements and
18 signed them?

19 A. Yes, sir.

20 MR. PROCTOR: Your Honor, at this time we offer
21 State's Exhibit B and C into evidence.

22 MS. BALDWIN: I have no objection as to them
23 being entered for as documents, but not for the truth of the
24 matter asserted.

25 THE COURT: All right. They're admitted.

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MR. PROCTOR: Thank you, Your Honor.

Q. (BY MR. PROCTOR) Thank you. Now let me ask you a couple of questions about how you would take the statement. What was your practice when you were talking to a witness about a statement? How would you begin the procedure?

A. Basically, have them state their name, sex, their age, occupation, if there was one, and some identifying characteristics, Social Security Number, birthday, address; also that they were voluntary statements.

Q. And did you -- did you -- with those -- do those statements indicate that you followed typical procedure?

A. Yes, sir.

Q. Now, with regard to the witnessing of the statements, I noticed on, I believe, it's State's C that there are several cross outs and initials by what's been crossed out. What would that indicate?

A. That would indicate that the person giving the statement had read it and had crossed it out. There may have been -- I don't know why he crossed them out.

Q. So it was just some correction that -- that the party giving the statement was making?

A. Yeah. It was a correction.

Q. Okay. Now would your typical procedure to be to type the statement up for the --

(Cell phone rings.)

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1 (Off the record)

2 (On the record)

3 Q. (BY MR. PROCTOR) Okay. Ms. Robinson, so these were
4 just indications that the statement was made to be more
5 correct --

6 A. Yes.

7 Q. -- in terms of what the witness wanted to say. So
8 would your general procedure to be to type up the statement and
9 then have the witness read through it?

10 A. Read it.

11 Q. Okay. And how did -- so would you have witnessed in
12 signing these statements?

13 A. Yes.

14 Q. Okay. Now, do you -- this was in 1986, I believe.
15 Do you have a recollection as to the things that were said in
16 the witnesses by the statements?

17 A. That there had been an eight-year-old child who had
18 been sexually assaulted.

19 Q. But basically, your recollection, as to a lot of the
20 specifics, are not very clear?

21 A. Not -- no.

22 Q. Okay. But you do remember -- you can identify your
23 statement -- excuse me, your signature and the fact that you
24 were the one that took these statements?

25 A. Yes.

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1 Q. Okay. Thank you.

2 BY MR. PROCTOR: No further question, Your
3 Honor.

4 MS. BALDWIN: Your Honor, may I approach the
5 witness please?

6 THE COURT: Yes.

7 MS. BALDWIN: Thank you.

8 CROSS EXAMINATION

9 BY MS. BALDWIN:

10 Q. Okay. Was your name Smith at that time?

11 A. Yes.

12 Q. Okay Because I was looking at that report and it
13 said Smith. And did you actually type these up or did someone
14 else type them up?

15 A. Yes. I typed them up.

16 Q. Okay. And would you say that these statements,
17 especially this one, that was taken at ten a.m. on the 18th of
18 December 1986, would you say that this dictation is word for
19 word?

20 A. The -- the part -- the identification part?

21 Q. Well --

22 A. But the content of the statement is, yes -- word for
23 word.

24 Q. Okay. It's just that I don't know too many
25 eight-year-olds that would say I am Beverly Troupe. I am a

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1 black, female, eight-years old.

2 A. That is how I identified her for the purpose of the
3 statement.

4 Q. Okay. So that part is not her statement?

5 A. Yes. I said, "Are you Beverly Troupe?" "Yes. I am
6 Beverly Troupe."

7 Q. Okay.

8 A. I am eight-years old.

9 Q. Okay. But she didn't say I am a black female,
10 eight-years old?

11 A. I asked her if she was a black female. She said
12 yes. So I said a black -- yes.

13 Q. Okay. So basically, this was not necessarily done
14 in narrative form, but more in question and answer form?

15 A. Yes.

16 Q. Okay. All right. Okay. And before you saw this
17 child on the 18th of December, do you know whom else she may
18 have visited with?

19 A. The doctors and Helen Paramore from the Department
20 of Human Services or Child Protective Services. Whatever it
21 was called or is called now.

22 Q. Okay. So the possibility of what she was telling
23 you could have been the words of somebody else; is that
24 correct?

25 A. Could have been.

1 Q. Okay. And you also indicated that there was some
2 strike outs. I didn't really see that on Beverly's statements.
3 I guess, that was on Dr. Mujica's. So -- but Beverly, at
4 eight-years old didn't actually read through that statement and
5 sign it; did she?

6 A. I read it to her.

7 Q. Okay. All right. And when you finished reading it
8 to her, did you ask her if she agreed with what it was saying?

9 A. I asked her if it was true.

10 Q. Okay. And did she tell you yes or no?

11 A. She said, "Yes."

12 Q. Okay. Did she ever tell you the conditions upon
13 which she was making that statement?

14 A. No.

15 Q. Did she ever tell you that she had been told that if
16 she make that statement that she could go home to her parents?

17 A. No.

18 Q. Had you ever heard that before that maybe that was
19 the reason why she made that statement?

20 A. No.

21 Q. Okay. If you had heard that, do you think that that
22 statement would be credible.

23 MR. PROCTOR: Your Honor, we're going to object
24 to that. It calls for speculation on part of the witness.

25 MS. BALDWIN: Well, Judge, she was a police

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1 officer for a number of years, and I believe she has --

2 THE COURT: I still think that would be outside
3 of her realm of expertise. I'll sustain on that.

4 MS. BALDWIN: Okay. No problem. All right.

5 Q. (BY MS. BALDWIN) Did you ever talk to the parents
6 in this case?

7 A. No, I did not.

8 Q. Okay. Do you know if any police officer ever
9 interviewed --

10 A. But I -- I take that back. I did speak to Mr.
11 Troupe on the phone.

12 Q. Okay.

13 A. To schedule an appointment.

14 Q. Okay. All right. And were you able to schedule
15 that appointment?

16 A. No.

17 Q. Okay. And why not?

18 A. Because he called and canceled.

19 Q. Okay. And did he tell you why he was cancelling?

20 A. Apparently, on the advice of an attorney.

21 Q. Okay. All right. So it wasn't really him trying to
22 avoid it. It was his lawyer told him --

23 A. Yes.

24 Q. -- told him to do that?

25 A. Yes. You asked if I had spoke to him. Yes, I did.

1 And that was --

2 Q. All right. Did you ever talk -- I'm sorry. Did you
3 ever talk to his lawyer to see if he could give a statement in
4 the presence of his lawyer?

5 A. No, I did not.

6 Q. All right. And the other statement is that of
7 Dr. Mujica; is that correct?

8 A. Yes.

9 Q. Now, when Dr. Mujica was giving you his statement,
10 did he ever tell you that initially -- or is there anything
11 reflected in that statement that initially he found no evidence
12 of sexual abuse?

13 A. No.

14 Q. Okay. And did you also ever speak with a Dr.
15 Miller? Do you remember that?

16 A. I don't remember.

17 Q. Okay. Were you ever advised that he could have been
18 possibly a part and a witness to this case?

19 A. Yes.

20 Q. Okay. Do you know why you would have not taken a
21 statement from him?

22 A. I have no -- I -- ma'am, I do not know.

23 Q. Okay. Did you ever interview any of the other
24 children in the Troupe home?

25 A. No, I did not.

1 Q. Okay. You never asked them to bring -- okay. How
2 many different stories, do you know that Beverly Troupe told
3 about her injuries?

4 A. The only story that she told me was this one.

5 Q. Okay. Okay. Do you ever remember writing a
6 supplement to this report -- to your initial reports?

7 A. I may have.

8 Q. Okay. Do you ever remember writing in a
9 supplemental report that you had contacted Helen Paramore or
10 Ms. Paramore by phone and that she basically, advised you that
11 taping had not gone well and another one was scheduled --
12 another taping was scheduled for the child?

13 A. That's --

14 Q. Okay.

15 MS. BALDWIN: Your Honor, may I approach?

16 THE COURT: Yeah.

17 Q. (BY MR. BALDWIN) Okay. I'm going to ask you to look
18 at that and ask if you can identify whether or not that was a
19 supplement that you wrote to a report?

20 A. Yes, it is.

21 Q. Okay. And do you -- can you now identify that it's
22 yours?

23 A. Yes.

24 Q. Okay. Would you look at the portion that's
25 underlined and kind of refresh your memory on that?

1 A. Okay.

2 Q. Okay. And basically, that's -- when you were
3 speaking to Ms. Paramore it was talking about a taping; do you
4 remember that? Are we talking about a videotaping; do you
5 think or do you remember?

6 A. It was -- I would think that it would have been the
7 videotaping.

8 Q. Okay.

9 A. Or a videotaping.

10 Q. Okay. And basically, Ms. Paramore told you that the
11 first one didn't go well, right?

12 A. Uh-huh.

13 Q. And that they were going back for another try that
14 same day. Okay. Did you -- did you find that unusual that
15 they, you know, a videotaping of a child giving a statement
16 about a father who had sexually assaulted her it wouldn't go
17 well the first time?

18 A. It could have been for various reasons.

19 Q. Okay. But either way they, we're going to take a
20 second crack at it, right?

21 A. Right.

22 MS. BALDWIN: I have nothing further, Your
23 Honor. I pass the witness.

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

25 THE COURT: Okay. May she be excused?

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MR. PROCTOR: Yes. Yes, Your Honor.

MS. BALDWIN: Yes, Your Honor.

THE COURT: You may step down and be excused as a witness in the case. Okay.

Do you swear the testimony will be the truth, the whole truth and nothing but the truth so help you God?

THE WITNESS: I do.

THE COURT: Go ahead.

BOB D. ODOM

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. PROCTOR:

Q. Mr. Odom, would you state your name for the record please?

A. Bob D. Odom.

Q. Okay. And how are you currently employed?

A. I am employee by the Bell County District Attorneys Office in the Appellate Division.

Q. And were you -- well, let me ask you, how long have you been in that position?

A. Since the Spring of 2005.

Q. Okay. Well, in 1994, how were you employed?

A. I was in private practice here in Bell County.

Q. Okay. And I have discussed with your reason for you being called as a witness in this hearing have I not?