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Convicted child abuser faces new charges

By Ted Streuli
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GALVESTON, Texas - A Galveston County mother believes her son found the bogeyman in the form of his own father, who is charged with sexually abusing his son.

The child's father said he's innocent and that his ex-wife is manipulating the courts in a spirit of vindictiveness. An 8-year-old boy stands in the middle.

Prosecutors, detectives and child welfare workers here agree with the mother.

Peter Michael Reed, 30, will face a grand jury this week on charges that he sexually abused his son and snapped at least one nude Polaroid photo of the boy in a sexually suggestive position with a pair of handcuffs on the floor nearby.

The photograph gave rise to a second felony charge, unsupervised visitations for several years, apparently without incident. Marler agreed, giving the judge two independent, neutral professionals who said Reed was not a threat to his son.

Florida attorney Daniel O'Rourke represented the mother during the proceedings.

"We were fighting an uphill battle against a judge who wanted to believe the so-called independent third parties," O'Rourke said. "At the time, we just didn't have a smoking gun."

The child's mother said she still doesn't understand why Remington refused to consider Reed's felony convictions when Reed asked for more unsupervised time with his son.

During the visitation dispute, the child saw doctors in Texas who wrote to Remington.

An April 1998 letter from Gesslyn Englehard of the DePelchin Children's Center

in Houston said that the boy was diagnosed with post traumatic stress disorder, seizures, neurological delay, stomach-intestinal problems, chronic physical illness and a history of physical abuse.

Englehard told Remington the child showed a variety of symptoms after visiting Reed in Florida in 1997.

"Children often re-experience events in frightening dreams," Englehard wrote.

"Since his return from Florida, (the child) has begun experiencing nightmares. Mother reports his awakening by screaming. This was not true prior to the trip."

Englehard said the boy "has increased anxiety and somatic concerns since his visit with his father last summer."

Englehard wrote that other symptoms include avoidance of stimuli related to the trauma. She said the child had developed a fear of flying.

"He is also afraid when his mother travels, specifically, to Florida," Englehard said in the letter. "He has developed a fear of separation from his mother and stepfather and becomes very upset when they leave him."

Englehard's letter said those symptoms developed after the boy's summer 1997 visit, but Remington apparently relied on Wittkos' and Marler's reports over Englehard's.

Judge said law favors father

O'Rourke said Remington decided to exclude the 1995 abuse convictions from evidence because the Reed's divorce settlement - the one they drafted without legal representation - was finalized after Reed's conviction.

"The court said it felt the prior abuse was something that should have been brought up at the original proceeding," O'Rourke said. "The thing the court could not get around was that her signature was on the bottom line."

The mother said she regrets signing the agreement.

"I got a quick, cheap divorce through legal aid," she said. "I didn't know about what a divorce decree was. I thought he'd be in jail for a long time and then CPS would never let him see (his son)."

O'Rourke said Remington could have opted to use his discretion to override the doctrine of *res judicata*, the legal principle the judge relied on to avoid rehashing issues that were decided years earlier. The Latin term translates to "the thing has been judged," meaning the issue at hand has already been decided by another court, between the same parties.

"He decided not to use his equitable authority to say, 'No, I'm not going to do this,'" O'Rourke said. "Unfortunately, events appear to have proved him wrong."

'Darn relevant information'

Houston attorney Ami Feltovich practices family law and consulted briefly with the boy's mother. Feltovich said most judges would consider all facts that related to the case.

"I can't imagine why that would be excluded from evidence," Feltovich said.

"It's just darn relevant information."

Remington has also been responsible for keeping jurisdiction in Florida. O'Rourke said that under the Uniform Child Custody Jurisdiction Act, it's up to Remington to decide if Texas should take over or Florida courts should continue.

O'Rourke said a court could decide to keep jurisdiction if it was the home state at the time of the divorce proceedings, or if the child had significant connections in the state and the judge felt retaining jurisdiction was in the child's best interest.

Feltovich said "Texas taking jurisdiction would better serve the child. She said that especially with an investigation into abuse allegations, it would be unreasonable - if not impossible - to get all the parties to Florida to testify.

The law allows judges in the jurisdictions in question to confer, and O'Rourke said Remington talked to a Galveston County judge about the issue. To date, Remington has not relinquished the case to Texas.

Facing the possibility that Remington would order Florida's standard six weeks of summer visitation, the mother signed an agreement in November 1998 granting Reed two weeks. Reed signed the deal a little over a month later, and Remington made it official in January 1999.

The boy's mother recalled at least 12 unsupervised visits between January 1999 and March 2002. Most were one-week visits in Florida; some were weekend visits in Texas.

The mother said she found the photograph in her son's suitcase when the child returned from a Florida visit earlier this year.

Since then, she said, her son has been detailed in his descriptions of sexual abuse at the hands of his father.

She called the Galveston County office of Children's Protective Services.

Photograph launches local investigation

The ensuing investigation showed that Reed stayed at a Texas City motel while visiting his son. That got Texas City detective Warren into the investigation, who in turn brought in the FBI.

Reed was arrested at a Houston hotel on June 21st.

According to a police report, the child said the picture was taken the previous year at the Hampton Inn near Mall of the Mainland. Warren obtained credit card receipts that verified Reed stayed at the hotel in October 2001.

Nelson said the boy's mother put the words in his mouth.

"Don't you think a mother can manipulate an eight year-old into saying something?" Nelson said.

Although the child's face is not visible in the photograph, the report said the boy identified a Dallas Cowboys blanket and a pair of handcuffs in the picture.

According to the report, the boy said Reed abused him sexually in Texas and Florida.

Texas City police would not disclose the content of two other reports in the release, but described the content as explicit.

Warren said Reed was questioned and that he denied abusing his son and denied taking the picture.

Warren said the FBI "administered a polygraph and that Reed was again asked about sexual abuse and whether he took the photo. Warren would not disclose the results of the lie detector test, but Reed was arrested afterward.

Nelson said he did not know about the FBI's polygraph, but said Reed passed another lie detector test.

"I feel very comfortable that he's passed a polygraph," said Nelson. "I know what my results say. I don't know what theirs do."

Court records show the child claimed he was abused in several ways on multiple occasions.

"The child also made some additional disclosures that there were some pictures taken in Florida as well," Warren said.

Warren said the boy told him Reed threatened to publish the pictures if the child disclosed the alleged abuse.

"We'll prosecute our case here," said Warren. "If anything turns up in Florida, we'd hope they'd prosecute as well. There is evidence of incidences occurring in Florida."

Nelson predicted there would be no criminal charges filed there.

"I can promise you that there won't be anything filed on him in Florida," Nelson said.

Warren said no other photos were found and there were no identifiable fingerprints on the photo. Nonetheless, Warren said he believed investigators built a strong case for prosecutors.

Nelson disagreed.

"She's got the district attorneys hoodwinked," said Nelson. "The reason she won't file down there is because every judge, every prosecutor, every social worker knows she's a liar. There's some reason that all the people in that community believe him and not her."

Nelson unexpectedly put Warren on the witness stand during Reed's bond reduction hearing. Nelson attacked the photograph, suggesting the boy's mother planted it to further her custody agenda.

"He's just trying to do his job to come up with another story - to find some other reason for this," Warren said.

When Nelson asked Warren why the detective was in the courtroom, Warren - wearing a shirt embroidered with the phrase "Children First" - replied that he was there to support the family. Nelson responded sarcastically that he wasn't aware that family support was part of Warren's job.

"Most all of my cases deal with children," Warren said later. "I take a personal interest in all of them. That's my job."

Nelson was quoted at length in a Florida newspaper the day after the hearing. Although Texas State Bar rules prohibit attorneys from making public statements regarding a potential witness' character, credibility or reputation, Nelson was highly critical of Warren.

"I don't believe he's a good detective, and -I don't believe a word he says," Nelson told the Northwest Florida Daily News. Nelson confirmed the quote was accurate.

Assistant District Attorney Bill Reed expressed confidence in the detective.

"I think Doug Warren's record and reputation speaks for itself," Bill Reed. "Texas City police and Galveston County Child Protective Services were involved in the investigation, as was the FBI. Judge Doyle found there was probable cause."

Reed bonds out

Peter Reed's father, Richard Reed, and current wife Stacey Reed both testified at the bond reduction hearing that Reed would not be able to raise the \$45,000 needed for a bail bonding company to post the pair of \$150,000 bonds.

Judge Susan Criss refused to reduce the bonds, citing Reed's ineligibility for probation and lack of ties to the community.

In less than 24 hours, though, Reed found the money and was released.

Under terms of the bond, Reed is prohibited from seeing his son or his former wife.

Additionally, a Galveston County Court issued an emergency protective order June 25 good for 60 days.

Associate Judge Suzanne Radcliffe issued a two-year protective order through civil court on Tuesday, but Nelson said the court did not have authority to do so. Nelson said he would file a motion to dismiss the protective order because Florida courts still have jurisdiction.

The child's mother said Radcliffe expressed surprise that Reed was granted unsupervised visitation and that Radcliffe encouraged her to pursue Texas jurisdiction.

Meanwhile, prosecutors will present evidence to a grand jury this week, seeking an indictment on the felony counts against Reed. Attorneys on both sides said they expect an indictment.

If convicted, Reed could be sentenced to a maximum 99 years on each count.

Regardless of the outcome, the boy's mother said she would never allow her son to visit his father again.

"He's never going down there again," she said. "I now have a relative out of the country. **If** it comes down to that, he's going. The things (my son) is describing goes beyond sexual abuse; It's torture. "