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Molestation refuted, but man pays price **Grown-up daughters recant stories fueled by custody battle** *DIANE JENNINGS Staff Writer djennings@dallasnews.com*

"Paul Parks" spent almost three years in prison for molesting his two young daughters. He spent another 15 years living with the stigma of being a registered sex offender.

All because of what they now say is a lie.

Last year his now-adult daughters changed their story and he was exonerated. Such recantations are not unusual, but being declared innocent by the courts is rare.

For Parks, who requested a pseudonym as he pulls his life back together, his moment came when a Dallas judge concluded that his daughters' recantations were credible. In April, the Texas Court of Criminal Appeals set the convictions aside "on actual innocence grounds."

The 54-year-old father of nine, paroled in 1994, got a call at work last spring telling him that after 25 years of hoping and praying, his name was cleared.

"It feels like I've got my life back, like I was suffocating and I came back to life," he says.

"I didn't want to die with a lie."

Once a lawyer, now a truck driver, he celebrated by asking his boss for time off to attend the wedding of one of the two daughters who accused him of molesting them.

Parks' case is every man's nightmare: to be accused of molesting your own daughters and to have no way to prove you didn't do it. Even now, he's aware that without conclusive evidence, like in the flurry of DNA exonerations in recent years, some people will always wonder if he's guilty.

Unlike the dozens of recent DNA exonerations, prosecutors fought the effort to clear Parks. They called old witnesses and questioned his daughters, because in recantation cases, proof of innocence is murky.

Assistant District Attorney Christine Womble, who handled the final hearing, says she has "mixed feelings" about the court's decision clearing Parks. "I had questions after talking to the girls prior to the hearing - and I still have questions."

Domestic difficulties

The lie began during a bitter custody battle. The primary evidence against Parks was the testimony of his daughters, backed up by his two ex-wives, "June" and "Kathy."

The two women did not return calls for comment. The daughters who testified against him declined to comment through his attorney. The Dallas Morning News examined the transcript from Parks' exoneration hearing and other court appeals related to his case.

Parks and his first wife, June, met in college. He served in the U.S. Marines and received a law degree from Western State University College of Law in California. But he and June separated after six years of marriage and three daughters.

When he dropped his wife off at school one day, he whisked away his three daughters to Dallas to start over. June claimed he kidnapped them; Parks said she refused to accompany him. They divorced in 1982, but June had no idea where he'd taken the children.

The next year, Parks married a Dallas neighbor, Kathy. They divorced 14 months later. When that union soured, court testimony indicates Kathy phoned June to tell her where the girls were. She suggested asking whether they had been abused.

June alerted authorities, who swiftly removed the girls from Parks' home.

"I just went crazy," Parks said. "I guess I told them, 'This is ridiculous. I'm not that type of person.'"

At a custody hearing in Dallas the abuse charges were deemed not credible, Parks says. Ike Vanden Eykel, one of Texas' premier divorce attorneys, remembers his client's steadfast denials, and how he offered to take any test and answer any question. "He never wavered."

But June's attorney pressed for criminal charges, which were filed in May 1985. The girls moved back to California with their mother in a joint custody agreement.

Parks moved back to California with the woman who later became his third wife, Michelle, to be closer to his daughters.

But June raised the abuse allegations again when she sued for full custody in California.

There, a psychological report stated Parks "did not present a personality profile consistent with that of a child molester" and noted that the girls may have been "coached."

Again, the abuse claims went nowhere, and Parks expected them to be dropped in criminal court. He exhausted his savings and was assigned a public defender.

To his dismay, Judge Gerry Meier, a no-nonsense jurist, decided to try the case - immediately. "We were ready for the dismissal," Parks said. "But we weren't ready for the trial."

Girls testify

From behind the defendant's table, Parks watched his life unravel.

According to court papers, Parks' first ex-wife said he talked to the girls like lovers, telling them to "give me some of your hot kisses."

His second ex-wife testified that Parks walked around in front of his daughters nude, with an erection; showered with them, French-kissed them and discussed their genitalia in crude terms. Parks said it wasn't true.

Peggy Nichols, a Texas Department of Protective Services social worker, testified about her interviews with

two of his daughters - here called "Cindy" and "Nancy" - after removing them from their father's care. Parks' youngest daughter, who was 3 at the time of the alleged abuse, was not part of the case.

At first, Cindy, 6, and Nancy, 4, denied to Nichols that any inappropriate touching had occurred, court records show.

But by the time of the trial, three years later, they'd faced repeated questioning by Nichols and been shuffled from a shelter to foster homes then back to their mother, who also peppered them with questions. The girls' stories changed.

From the big wooden witness chair, Nancy said her father "molested me."

Watching his daughter, Parks wondered, "Where in the heck did they get that big word?"

Under questioning, Nancy added details in more childlike language.

Cindy said their father told them "not to tell anybody" what happened.

Parks says the girls wouldn't look at him during their testimony. "They made them into nothing but little robots there on the stand," he says.

Parks could do little. He wanted to introduce records from family court to show the allegations had been previously discredited, but says the judge didn't give him time to do so. He denied the abuse, but without evidence it was his word against theirs.

The jury believed the two little girls. And Parks didn't help himself in the sentencing phase.

He said therapy wouldn't help because he hadn't done anything wrong. When a prosecutor asked if he thought incest was normal, he said he didn't know.

He shrugs helplessly when asked about that now. "I was tired and depressed," he says. "They tripped me up ... I do not advocate [incest]."

The damage was done. Parks received two 10-year terms.

"I just wanted to sit there and die," he says.

The appeal became well known among Texas lawyers because it decided the issue of when extraneous evidence could be admitted. State courts concluded the testimony about Parks parading around naked should not have been introduced because the legal question was whether he had inappropriately touched the girls, not other conduct.

But the Texas Court of Criminal Appeals also ruled that the mistake was harmless because the other evidence was so strong.

In 1992, Parks went to prison.

That's when Michelle finally told their children that their father was going to prison for a crime he didn't commit. "It might be awhile before Daddy comes back," she said.

'Life dismal'

In prison, Parks worked in the leather factory, and helped inmates with their cases. He studied the Bible and sang in the choir.

Michelle found work at a day care and in other low-paying jobs. She sold the car, but lost the house when she fell behind on the mortgage. Relatives took the family in.

When he walked out of prison after 21/2 years he found that being a registered sex offender "makes your life dismal," Parks says.

He couldn't live with his family, so Michelle arranged for him to rent a nearby duplex.

After several months, parole officials allowed him to move home. He eked out a living doing odd jobs. Then a relative helped him find factory work. When that factory closed, he became a truck driver.

Though he was prohibited from contacting his children from his first marriage, Michelle tried to locate the girls, sending letters to possible addresses. She received no response.

Then the phone rang one day in 2001. Nancy, now 21, was on the line. One of Michelle's letters had reached her. She wanted to talk to her father.

"No, no - I can't get on the phone," a panicked Parks said. "It's a violation of the rules."

Michelle says both women were puzzled by his refusal to talk. Separated from their father at an early age, they didn't even realize he'd gone to prison, Parks says.

Michelle says they thought their father had abandoned them.

"Do you not remember saying Daddy molested you?" she asked.

They remembered, but said they did it to please the adults pressing for answers. "Daddy didn't do that," they told Michelle.

'Complete lie'

According to court transcripts, the sisters - now an elementary school teacher and a child therapist - had discussed clearing their father's name before. But that's no easy task.

"It's a common misperception that all you've got to do is take their written statement, 'He didn't do it,' and Daddy walks out of jail," says Bill Allison, co-director of the Actual Innocence Clinic at the University of Texas School of Law.

But judges are skeptical of such claims. They want to preserve the finality of convictions and are suspicious of the witness's credibility, Allison says. "At some point the witness is not telling the truth - either then or now."

Some children, even as they become adults, worry that they or their other parent could face perjury charges, if they change their stories.

Parks' attorney, **Gary Udashen**, says he assured the daughters that their father was not interested in pursuing charges against anyone else. Kris Wise, who oversees such cases for Dallas County, said the district attorney also had no interest in further prosecutions.

Reassured, the women swore in affidavits that their father did not molest them, and in 2008 they traveled to Dallas for a hearing.

"It was glorious," Parks says of their reunion after more than a decade.

In court the next day, Cindy and Nancy testified.

"Somebody had created this story and, over time, we were just coached and coerced to saying a complete lie," Nancy said, according to the court transcript.

Cindy testified that, "After being questioned and asked about it so many times, it's kind of like you feel like just giving in ... They're not gonna listen to me, so I might as well just tell them what they want to hear."

She also denied that her father ever "walked around the house naked," saying he was "very modest."

Nancy said she didn't feel guilty for testifying against her father.

"I was a child," she replied. "And the way I looked at it, I was manipulated and taken advantage of, so I can't say that I feel guilty."

Womble didn't re-call Parks' former spouses to the stand. During his original trial, they'd never testified that they witnessed any sexual abuse. "The primary question is whether these girls lied," Womble said.

Allison, the expert on such cases, says it's unfair to call adults who recant their childhood testimony liars.

"They are giving in to pressure from adults ... it is not a lie to them. They have no idea of consequences ... they're children."

Parks' attorney also presented a new psychological report saying the testimony of the women as children was not credible, but their recantation was.

Writ master April Smith recommended Parks be cleared. Judge Susan Hawk says she "signed off on it without hesitation."

Getting reacquainted

A few weeks after charges were dropped, Parks was pulled over by a police officer while driving his younger children to school - a forbidden activity for registered sex offenders.

Luckily, he had a copy of the judgment in his car and was free to go.

Today, he's enjoying even more freedom. He can camp with his son, decorate the porch on holidays, even visit amusement parks.

Parks hopes to get a fresh start with several hundred thousand dollars in compensation money that he'll get

under state law for being wrongfully convicted.

He and his two oldest daughters are getting to know one another again through weekly phone calls. To make up for the years he missed, they presented him with photographic scrapbooks of them at various stages of their lives.

Parks says he never blamed his daughters.

"I was never really angry at them for something somebody else did to them. I felt like they were raped mentally."

Prosecutor Wise says "you don't always have to have somebody to blame. Obviously a mistake was made, at some point or the other, but it wasn't a mistake that was maliciously made ... I think everybody fully believed at the time that they were telling the truth."

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