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4/26/02 Man gets probation for raping daughter

By **CHRISTINE S. DIAMOND** (M4)

An Angelina County jury on Thursday found a Lufkin man guilty of repeatedly sexually assaulting his 12-year-old daughter and sentenced him to five years of probation — the lightest possible punishment.

The 32-year-old man was found guilty of two counts of sexual assault of a child. The punishment range for a conviction is five years probation to 99 years or life in prison, according to Assistant District Attorney Dawn Armstrong.

The man, whose name is not included in this article so as not to identify the girl, was arrested and indicted last August.

The assaults on the girl by her father began during visits to his home after the girl turned 11, Armstrong said. Her parents, who had been divorced since she was a baby, were on speaking terms. The man had custody of his daughter every other weekend and half the summer.

"The mother didn't suspect anything until two months before her daughter confided in her," Armstrong said. "She noticed her grades began dropping and she had become irritable and moody."

At first, her father began walking in on her in the bathroom and would order her to stand up so he could look at her, Armstrong said.

Witnesses viewed a home video that the man had made during one such incident. On the tape, he walks in on his daughter six or seven times while she is in the bathtub, Armstrong said.

"She was screaming at him to get out, grabbing something to cover herself and finally crouching on the floor behind a little towel," Armstrong said. "You see his hand come in front of the camera telling her to put the towel down."

For a year the fifth-grader was forced to watch pornographic movies with her father and repeat the actions she had seen, Armstrong said.

The man and his current wife both testified that the daughter often slept in the bed with her father while the wife slept on a couch. The wife testified she didn't have a problem with that situation, Armstrong said.

According to Armstrong, the couple denied any wrongdoing and accused the child of coming on to her father in a sexual manner.

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The abuse progressed to the point of rape, at which point the girl finally told her mother, Armstrong said. The mother immediately went to Child Protective Services, the police and a doctor. A nurse trained to treat sexual assault cases said the girl's account of what had happened matched physical evidence, Armstrong said.

Police seized the home videos of his daughter, as well as one the man made of himself and his wife engaged in "deviant sexual activity," Armstrong said.

"They were on their bookshelves right next to Scooby Doo and Bambi family videos," she said.

The man's attorney, John Henry Tatum II, said the man's wife and mother both testified during the punishment phase of the trial Thursday.

"He has a four-year-old son with his wife, who is also pregnant with their second child," Tatum said. "His mother, who is disabled and lives with them, also testified. I'm sure the jury took that into consideration."

District Judge David Wilson ordered that the man have no contact with his daughter, Armstrong said.

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