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Trial of Man Charged with Assaulting Son Reset

By Scott E. Williams
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GALVESTON, Texas – A child-sex trial that court officials expected to last two weeks ended in a mistrial Wednesday after a police detective mentioned on the witness stand giving the defendant a polygraph examination.

Peter Michael Reed will face charges of aggravated sexual assault of a child and sexual performance by a child at his retrial, slated for July.

Reed, 33, is charged with sexually assaulting his son, 8, who had also been the focus of contentious custody hearing's with Reed's ex-wife.

Texas City detective Doug Warren was on the stand Wednesday, the second day of testimony, talking about a 2002 encounter with Reed when he told jurors, "During the interview, he was asked if he would be willing to take a lie-detector test."

Defense attorney Tad A. Nelson immediately objected, and 212th State District Court Judge Susan Criss sent the jury out so she could hear arguments on how, and whether, to proceed.

Assistant District Attorney Xochitl Vandiver showed Criss a State Court of Appeals ruling that stated any prejudicial effect of a lie-detector mention could be overcome by a judge's instruction to disregard the remark.

Nelson, however, said that the jury could infer that the examination's results favored the prosecution, since a prosecution witness was the one who brought up the exam.

After granting Nelson's request for a mistrial, Criss called the matter "an issue of fairness" and said she was worried that the jury would have been prejudiced against Reed, had the trial continued.

The retrial is set to begin July 18. Aggravated sexual assault of a child carries a possible prison term of five to 99 years. Sexual performance by a child carries a possible prison term of two to 10 years. Each charge also carries a possible fine of up to \$10,000.