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State of Florida vs. Bobby Fijnje



Names of all children, except Bobby, and their families have been changed.

Bobby Fijnje spent quite a lot of time at his church, Old Cutler Presbyterian, in South Miami. He often volunteered to watch the youngsters during church services and on special occasions. As a young teenager, Bobby, by all accounts, played rough with the kids. But according to some of those kids, their parents and, eventually, the Dade County State Attorney's office, Bobby also sexually molested, ritually abused and satanically terrorized those he watched over.

The case against Bobby Fijnje began in 1989, when a 3-year old occasionally in Bobby's care expressed fear of him. The child's fright worried her mother who took her to fellow church member and psychologist, Dr. Suzanne Keeley. Keeley became concerned that the child's fears may have been motivated by abusive treatment. A state social worker was called in to assess the situation, but found no evidence to warrant a further investigation. Dr. Keeley and the child's mother were less mollified.

After continued sessions with Keeley, the child accused Bobby of molesting her. Within a short time, some others came forward with monstrous allegations against young Bobby. Some of the initial accusations came from families that attended a prayer group in the nearby community of Country Walk - which just four years earlier had been rocked by one of the most publicized day-care abuse cases in the country.

As more concerned members of the church brought their children forward, and Dr. Keeley and other therapists conducted more interviews, more and more allegations surfaced. Some of the children were taken to the rape treatment center where diagnosis indicated physical signs of sexual abuse. An official police investigation was opened and on August 28, 1989, the lead investigator, Det. Mark Martinez, armed with an arrest warrant, knocked on the door of the Fijnje residence.

Bobby, who was getting ready for his job at a local Burger King, was questioned by Martinez; his room was searched. Martinez, who had been a detective for only six months, escorted the Fijnjes down to the station where, after several hours, Bobby confessed. The 14-year old never made it to work that day and would not return home for another 20 months.

Prosecutors took the unusually stern step of charging young Bobby as an adult. The offense -- capital sexual battery -- carried a mandatory life sentence in a maximum security prison with no parole. At the urging of the prosecutors, the judge refused bail. Bobby would await trial in a Miami juvenile detention center.

Meanwhile, interviewers in the State Attorney's office videotaped statements from children, some of whom had been sent over by Dr. Keeley and other therapists. The prosecutors built their case. They had the children's statements, Bobby's confession and physical evidence of abuse. The media had a huge story.

It was, says local news reporter [Louis Aguirre](#), "a riveting story. I mean, twenty-one kids allegedly sexually molested in a church by a 13 year-old kid. Wow, what an outrageous story that was."

The media reports were fueled by increasingly bizarre allegations. "Anything from cannibalism to Freddy Krueger

coming out of the ground, to little boys flying, to Bobby and his family being on the roof of their home with the children on a trampoline jumping up and down nude," recalls Fijnje defense attorney [Peter Miller](#).

The State was undeterred by the fantastic nature of the mounting claims, though prosecutors did drop two victims - a brother and sister - just prior to trial. The young boy alleged that Bobby had abused him and his sister at a house away from the church. The boy claimed he had turned himself into Superman, tied Bobby up, flew out the window and called the police.

Prosecutors pressed forward, charging Bobby with seven counts of sexual battery against two young girls. But, neither of the girls, or other children serving as collateral witnesses, would testify at trial. The prosecutors took advantage of newly-adopted state laws that allowed for the admission of the children's videotaped testimony and expanded acceptance of hearsay evidence from parents, psychologists and state interviewers.

On several occasions, as the trial progressed, the prosecutors broached the topic of a plea agreement for Bobby. The State ultimately offered a deal that would allow Bobby to avoid prison, instead spending a few years in a psychiatric hospital in exchange for an admission of guilt. Cornell University professor of psychology, [Dr. Steven Ceci](#), was asked to mediate the negotiations.

"If Bobby were convicted, he would have been on every hardened criminal's dance card within a week," Ceci recalls. "I remember saying, 'Mr. Fijnje, if it were you, fine. But if Bobby were my child, I think I'd tell him to take the State's plea.'"

Bobby and his father remained unconvinced. "That's one of the few times I saw Bobby cry," says Bob Fijnje, Sr., a retired Dutch diplomat. "He said, 'Dad how can I plead guilty if I did not do anything?' And that's why, at the time, I told my lawyers forget about it now and put attention to what you are doing and we go to trial."

Bobby's lawyers did exactly that. At trial, they attacked the interviews of the therapists and State interviewers. They argued that repeated and suggestive questioning had accounted for the children's allegations. Dr. Ceci, who had conducted research on [child interviewing techniques](#) and was called to testify, believed the interviews in the Fijnje case were particularly problematic.

"I saw a constellation of ingredients that worried me because they seemed similar to the sort of things that I and others were doing in our experiments to produce inaccurate reports with preschoolers," says Ceci.

The defense also questioned the medical evidence provided by the rape treatment center. The attorneys argued that medical residents had misdiagnosed normal genital variations as evidence of physical abuse. A gynecological specialist, Dr. David Muram, testified on Fijnje's behalf and refuted the findings of physical abuse.

Finally, the defense challenged one of the central components of the State's case, Bobby's confession. In cross-examination, Det. Martinez acknowledged that he had neither taped the admission of guilt nor taken a sworn statement. He had, he said, discarded his notes of the interview. Bobby acknowledged that he had admitted to the crimes. But he had an explanation. "I just wanted to leave that room. I just wanted to be with Mom and Dad," Bobby recalls. "My whole goal at that time was to get out of the room."

The defense also raised another concern. Bobby was a diabetic. On the day of his confession he had not taken his insulin and went hours without eating. His blood sugar level, one diabetes specialist testified, would have dropped alarmingly low and impaired his mental capacity.

After nearly two years of investigation, one of Miami's most expensive criminal trials was brought to a close on May 3, 1991. The next day, a Saturday, a verdict was reached. "It was a packed house," remembers television reporter Louis Aguirre. "My heart was pounding right through my chest. I could practically hear it beating. The tension was that thick."

To the surprise of Aguirre and much of Miami, Bobby Fijnje was acquitted on all counts. "There was a collective gasp in the

room," Aguirre says. "I think everybody really expected him to be found guilty."

After his acquittal, Bobby's parents moved the family to Holland. The prosecutors continued to pursue additional allegations and more children were interviewed. But ultimately no further charges were brought.

And after the trial, Janet Reno [received a letter from the jury](#). The jurors in the Fijnje case wanted Ms. Reno to know why her office had failed to make a convincing case. They wrote: "It is our hope that this case will lay the foundation upon which a set of policies and guidelines are built so that when cases of abuse, especially child abuse, are alleged, the programs in place will allow for appropriate questioning and investigation by the police, physicians and child psychologists so as to drastically reduce the chances of conflicting testimony and charges of contamination that can and will raise reasonable doubt."