

Tuesday, August 31, 1999

The View From Here

## Testimony in Carroll case hits false note

By CARL STROCK

-----  
I wrote a few weeks ago about the case of a Troy man, Jack Carroll, who was convicted of having sexual relations with a young girl and who is now serving a sentence of 8 to 25 years in state prison. Specifically I wrote about a tape recording in which he sounded innocent and how the jury was not allowed to hear that recording.

That was all well and good, you may say, but what about the evidence against the guy? What led a jury to convict him?

I did not attend the trial, in December 1997, nor was I aware of it the time, since I pay little attention to Rensselaer County court, but I have read all 762 pages of the transcript and talked to any number of people involved, and it seems plain that the strongest evidence against him was the testimony of the girl herself.

(Some of that is anatomical, so the reader is forewarned.)

There was also testimony from two police officers who interrogated him, which I will consider another time, as well as testimony from a nurse who examined the girl, which I will also consider later.

But the girl's word was central. If you believed her, Carroll was guilty. If you didn't, he wasn't.

And I'm sorry, ladies and gentlemen, but on reading the transcript and without having had the opportunity to talk to her personally, I must say I find her testimony hard to credit. It doesn't ring true to me. It sounds coached, and it's lacking in the details that would give it life.

When the prosecutor asked her what happened on a certain occasion when she was 9 years old, she related where she was with Carroll and said, "Then he rolled me on my back and got on top of me, and I felt pressure between my legs and inside my vagina."

When the prosecutor asked her about another occasion a few months later, she said, "And then he would roll me on my back and get on top of me and I would feel pressure between my legs and inside my vagina. And also he would kiss my breasts."

When the prosecutor asked her about yet another occasion a year later, she said, "And then he would roll me on my back and get on top of me and then I would feel pressure inside my vagina and he would kiss my breasts."

What a strange formulation for a 14-year-old girl! I'm sorry, but I can't help being skeptical.

As for the nitty-gritty of those supposed encounters, listen to a few exchanges between the lawyers posing questions and the girl giving answers:

Q: Do you remember if you had your clothes on or off?

A: I don't remember.

...Q: Do you remember if he had his clothes on or off?

A: No.

...Q: Did you ever see his penis?

A: No.

...Q: And when he did it to you, did it hurt?

A: I don't remember.

Now, I understand that if it really happened it would be terrifically upsetting. But Jack Carroll and the girl had a legitimately close relationship - this is not a case of strangers - and she was voluntarily with him almost every day through the age of 13.

The sexual business allegedly went on over the course of at least two summers, yet she didn't know the very things that you might expect to make a lasting impression.

She was also confused as to dates and made conflicting statements about what supposedly happened when, though I don't give that much importance. I would expect a young person - or even a mature person - to get confused about dates, whether the events were genuinely traumatic or were invented.

I do believe that her testimony was the strongest thing working against Jack Carroll and everything else hung on it, and that's why I address it.

The problem of course is, why would she make it up? Clearly the jury didn't think she would.