

January 14, 2001

The View From Here

## Teen-age girl vs. Carroll: Who's lying?

By CARL STROCK

The other day on the second floor of the Rensselaer County Courthouse I finally got to hear the girl who accused Jack Carroll of sexually molesting her and thus put him in prison for three years.

I have talked to almost everyone else in this unhappy case but had been denied permission to talk to the girl herself (by her mother), and had never so much as seen her before. Now, at last, here she was on the witness stand, at the age of 17, once again sworn to tell the truth about what she experienced when she was between the ages of nine and 13, and there I was in the front row straining not only to hear her whispery words but to do so with a fresh and open mind, setting aside everything else I have learned about the case, which was not necessarily easy.

In the end, alas, I could not say if I believed her or not. She repeated that Jack Carroll had done various sexual things to her, but she did so in a manner that was so thoroughly rehearsed, even memorized, and so artfully contrived to match the legal requirements of the indictment that I didn't know if it was the girl herself talking or Trish D'Angelis, the prosecutor, talking through her in an act of advocacy ventriloquism.

What exactly did Jack Carroll do to her?

On the first occasion, when they were lying on a couch together watching television, "He would roll me on my back and get on top of me. He'd move my bathing suit to the side and kiss my breasts . . . I would tell him to stop and get off me . . . I would try to push him away or squirm to get away . . . He told me we had a special relationship and not to tell anybody. They wouldn't understand, and they'd blame me. He told me I'd get in trouble."

On the second occasion, ditto.

On the third occasion, at a different location, "He put his hand up my shirt and touched my breasts . . . He put his hand down my pants and touched my vagina . . . I would tell him to stop and push away . . . He would push me against the couch . . . it was very uncomfortable . . . He told me we had a special relationship," etc.

On the fourth occasion, ditto.

On the fifth occasion, ditto.

On the sixth occasion, ditto.

This was done through tears, and in a voice barely audible, as if she was undergoing an excruciating experience in saying these things, which I don't doubt that she was.

Gone were the verbatim repetitions of, "And then I felt pressure between my legs and inside my vagina" from the first trial, presumably because the charges of rape had been dismissed by the Court of Appeals and the retrial is only on the lesser charges of sex abuse. New legal requirements, new formulation.

When Carroll's lawyer got to cross-examine her, she allowed that she had spent most of the past month preparing her testimony in repeated meetings with Ms. D'Angelis, and had gone over all the questions and answers. To much else that he asked her, which she could not so easily have prepared for, her answers over and over were, "I don't know," or, "I don't remember."

Now I hasten to point out, in fairness, that just because testimony is rehearsed doesn't necessarily mean it's false. One might also practice telling the truth. But it does raise doubts, especially when the testimony is so carefully tailored to match the indicted charges and when so much else is conveniently blank.

A colleague without my commitment in this case observed that when the girl talked about the alleged sex abuse it didn't sound like she was remembering events themselves but like she was remembering what she was supposed to say, as opposed to when she testified about un-controversial matters, like the location of a door or window, when she sounded like she was remembering real things. I thought that was an astute observation.

Now, if the jury is to believe the girl, they must believe that this sexual abuse, which the girl hated, went on at the same time that she was voluntarily with Jack Carroll every day and was calling him on the telephone or beeping him when she was not with him. And they must believe that it went on at the same time that the girl maintained honor-roll grades in school, excelled in athletics, and exhibited no behavioral problems either at school or at summer camp. A time during which she was by all observable measures a happy kid, with the sole exception of having a rotten relationship with her mother, who perhaps not coincidentally was on the outs with Jack Carroll.

The jury must believe that the girl was being tormented by the very adult she appeared to be happiest with. And they must believe that her finally coming clean about this terrible abuse led to her downfall, since by the mother's unchallenged account the girl's life has pretty much gone in the toilet since she made the allegations. (I say "since she made the allegations." Ms. D'Angelis, the prosecutor, prefers the cultish lingo of the re-covered-memory movement and says, "since she disclosed.")

The girl has gone from being an honor student to barely passing and most recently has apparently dropped out of school. "She's very rebellious," and "she's got a lot of problems," the mother acknowledges.