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The View From Here

The detective and the nurse vs. Carroll

By CARL STROCK

How goes the trial of Jack Carroll?

I'm glad you asked, because it got highly interesting this past week with the testimony of Troy police detective Steve Weber and his wife, the former Jane Szary.

Detective Weber is the guy who admitted to me in an interview that he and his state police partner in effect testified falsely at Carroll's first trial, so of course I was eager to hear what he would have to say on the stand this time around.

And Jane Szary Weber is the nurse practitioner who examined the girl who claimed to have been sexually abused by Carroll, and since she got a free ride in the first trial, the defense neglecting to question her, I was eager to see her on the stand also.

Neither one disappointed me.

Steve Weber bravely stuck to his earlier testimony - as much of it as he could remember - and serenely denied under oath that he had ever said to me what he in fact said.

Now, I was not born yesterday, and I know that cops often lie on the witness stand, but usually I know it by inference. This was the first time I knew it by my own personal experience, and I must say it was sobering for me to hear this officer of the law say under solemn oath, in response to a question: "No, I never told Carl Strock that. . . . Those were Mr. Strock's words."

It gave me a new sense of what it means to be a baldfaced liar.

On Aug. 25, 1999, in his office in the Troy Police Department, Weber confidently mocked Jack Carroll to me, saying, "I didn't do it, I didn't do it," and freely acknowledged that Carroll in no way, directly or indirectly, confessed to the crime he was accused of. "We tried to get him every way we could, and he wouldn't go for it," he told me, with Carroll by then rotting in prison.

Now here he was again, calmly testifying just as he had the first time, without missing a beat, and denying he had ever said to me what he said. If I hadn't been there to hear it myself I wouldn't have believed it.

This is the same Detective Weber, you will not be surprised to learn, who determined Carroll was guilty by interpreting his words as "admissions by denial," which may seem contradictory since Carroll supposedly made no denials, but that's what he said.

As best I understand, anything Carroll said that an ordinary taxpayer would take as a denial, our detective, relying on his extensive training, took as an admission.

Admission by denial: "It's a term we use," he said.

What does it mean?

"Someone trying to tell himself that he didn't sexually abuse a child," he explained.

Examples?

"Gee whiz!" was one. "Oh, God!" was another.

Could it be someone simply saying "no"?

"In some cases that's true," he agreed. "You read into the words . . . You can tell they're trying to avoid the situation."

Carroll supposedly said at one point, referring to the girl's allegations, "I can't believe she's saying that."

"I interpret that to be an admission by denial," Weber said.

So you see the kind of police work and the kind of police thinking that sent Jack Carroll to prison.

In fact, it emerged during Weber's cross-examination, he did no investigation in this case, not even the elementary phone calls and legwork that I did - talking to friends and family members who might know something.

He took a statement from the girl - without observing her body language, by the way, since body language is significant only for suspects, not for complainants - and a week later he and his partner put Carroll under arrest after listening to his admissions by denial. He admitted this on the stand, and not by denial but directly.

He did vastly less work on the case than I have done.

One thing he did do was send the accusing 13-year-old girl to his own girlfriend, later wife, for a physical exam, and the results of that exam played a key part in getting Carroll indicted by a grand jury and convicted at his first trial.

The report that was returned by Jane Szary to the Troy police consisted of three "positive findings" supposedly "consistent with disclosure" - disclosure being the term used by these people for any allegation of sex abuse.

I wish you could have been in the courtroom when Carroll's lawyer, Mike Koenig, cross-examined nurse Jane on that medical report. It was perhaps the most devastating cross-examination I have observed, and by the end it was apparent that the report was a fraud and a deception, and if Jane doesn't lose her license over it I would like to know why.

In short, she withheld the vital information that the girl had a simple yeast infection, which the nurse herself diagnosed and treated, and such an infection would account for the redness to the outer area of the vagina and the small white discharge which were presented as "positive findings" of sex abuse.

She conceded under pressure from Koenig that it was "highly unlikely" - her words - that any redness would be present from rubbing five weeks after the rubbing allegedly occurred.

So her "positive findings" were clearly cooked to help make the case which her crusading, non-investigating, mind-made-up-in-advance boyfriend was trying to make.

The only "positive finding" left was a break in the girl's hymen for which there is no evidence but the nurse's own word and own drawing, since she took no photograph, though she could have.

What kind of break it's hard to be sure. In her report and in her testimony she said a probing examination was done to the girl "without discomfort," which would indicate a substantial break, suggesting earlier penetration.

Her original notes, however, state that the probe was accomplished "with discomfort," which is quite a different thing and leads to quite a different conclusion.

A simple matter of handwriting, failing to distinguish two Latin abbreviations, she valiantly insisted.

I tell you, as skeptical as I have been of this case, the revelations that were made over the past few days have been stunning even to me and give me nothing but a chill.