

Witness in Carroll case gets a pass

Catching up on the case of Jack Carroll, the Troy man who was convicted - wrongly, in my view - of sexually molesting a young girl, I'm sorry to report that his complaint against one of the witnesses against him has been dismissed.

The state Department of Education, Office of Professional Discipline, said it found no violation either of the law or its own rules on the part of nurse practitioner Jane Szary Weber and was therefore closing its file on the matter.

Jane Szary - her name in 1997 - examined the girl that Jack Carroll was supposed to have molested and provided the Troy police with a statement of "positive findings," that is, findings consistent with the claim of sexual abuse.

Ms. Szary was the girlfriend (later the wife) of the zealous Troy police detective, Steve Weber, who was trying to make the case against Jack Carroll, and it was he who sent the girl to her for examination, so you might think she had a conflict of interest, which would be improper.

But worse than that, at trial, under cross-examination it emerged that she had omitted from her deposition to the police the obvious cause of redness and discharge in the girl's private region that she had described: The girl had a yeast infection.

She had diagnosed the infection herself, she admitted, but she didn't mention it to the police.

Under persistent questioning by Jack Carroll's lawyer she admitted that it was "highly unlikely" that any rubbing of the girl's private region five weeks before the medical exam, as alleged, could have been the cause of the redness or the discharge. The effects of any such rubbing simply wouldn't last that long.

So, in layman's terms, she fudged her statement to the police.

Jack Carroll, languishing now in Greene Correctional Facility in Coxsackie, where he is serving a sentence of 10 to 20 years, thought her action might constitute some sort of professional misconduct, possibly even perjury, and I admit I thought so too.

I thought surely a nurse practitioner licensed by the state can't just misrepresent the results of a medical exam in order to help a cop-boyfriend make

a criminal case. That must be a violation of something.

But apparently it's not.

The supervising investigator who looked into this matter, Richard R. Trumbull, from the Office of Professional Discipline, provided no reasoning or explanation in his reply to Jack Carroll advising him of his decision, and when I raised Mr. Trumbull on the phone, he declined to comment to me, so I don't know how to account for it.

I register it as just one more insult to justice in this case.

A little language note: In her deposition to the police, nurse Jane Szary did not say the girl's redness etc. was consistent with the allegation of sexual abuse, which would have been bad enough, and false enough; she said it was consistent with the girl's "disclosure," which is the word favored by sex-abuse zealots and which implies, of course, that the allegation is true. I mention that just as a reflection on her professional objectivity, which the state of New York doesn't care about anyway.

The View From Here presents Carl Strock's personal commentary and appears on Tuesday, Thursday and Sunday. Strock can be reached at 395-3085. The opinions of the newspaper appear in editorials on the Opinion Page every day.