

State to look again at Troy nurse

I mentioned a few weeks ago that the Office of Professional Discipline in the state Education Department had dismissed a complaint against the nurse practitioner in Troy who provided highly misleading if not outright false evidence against Jack Carroll, and now I'm happy to report that, after a little publicity, the office is reconsidering.

Its director of investigations, Daniel J. Kelleher, has written to Carroll's family telling them he has "determined to review a second time" the investigation of the nurse practitioner in question, Jane Szary Weber.

This is welcome news to anyone who believes that professionals licensed by the state ought to be held to some minimum standards of integrity and that those who testify in criminal trials ought to be held to some minimum standards of truthfulness.

Jane Szary Weber is the one who examined the 13-year-old girl whom Jack Carroll was alleged to have molested back in 1997. She found the girl to have a yeast infection, which much later she reluctantly admitted would account for the redness and the discharge that she observed in the girl's genital area, but she didn't tell the police anything about a yeast infection at the time - the police in this case being her boyfriend and later husband, who was trying to nail Carroll.

She told the police she had made "positive findings" of sexual abuse, and her statement became part of the evidence that eventually sent Carroll to prison. She tried gamely at trial to defend her earlier statement to the police but admitted under persistent questioning from Carroll's lawyer that it was "highly unlikely" that the redness or discharge she observed could have been the result of manual rubbing alleged to have occurred five weeks earlier.

So her statement to the Troy police was, as I say, highly misleading if not outright false, and her attempt to defend it under oath was a sorry thing to observe.

Jack Carroll, from Greene Correctional Facility in Coxsackie, where he is serving a sentence of 10 to 20 years, got the idea to file a complaint against her with the agency responsible for these matters, and was taken aback last month when the agency airily dismissed his complaint without explanation.

I was too. I figured misrepresenting the results of a medical exam in pursuit of

a criminal case must be a violation of some rule, or oath, or law.

There is no guarantee that a second look by the Office of Professional Discipline will yield a different result than the first look, of course, but I'm glad at least that someone was openminded enough to give it a go.

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.