

FORMAL STATEMENT

..... states:

1. My full name is...

2. I am a registered medical practitioner, qualifying...

3. I am...

4. I am familiar with the Code of Conduct for Expert Witnesses and agree to abide by it.

5. On the morning of Sunday 12th June 2018, I saw Erica SMITH, aged 15, at Starship Children's Hospital. I was assisted in this assessment by Lisa DAVIS, Te Puaruruhau nurse specialist.

History

6. I was informed by the Police of the circumstances surrounding the incident involving Erica. In particular, it was alleged that she had been raped while attending a party the night before.

Examination

7. At the time that I saw Erica she had not washed or changed her clothes since the incident and had been up all night.
8. There had been some voluntary consumption of alcohol prior to the alleged assault, but Erica was clinically sober when I saw her.
9. The notable findings on general physical examination were a number of "*suction bruises*".
- REF... 10. On the right side of the front of the neck, in the anterior cervical triangle, there was a 5 x 3 cm cluster of petechiae (pinpoint bruises) with some larger central areas of bruising. This was tender to touch. It was typical of a "*suction bruise*".
(REFER PHOTOS 16 & 19)
11. In an identical position on the left side of the neck there was a 4 x 1 cm cluster of petechiae, orientated vertically. Once again this appeared to be a "*suction bruise*".
- REF... 12. In the centre of the upper contour of the right breast there was a 2 x 1.5 cm cluster of petechiae. **(REFER PHOTOS 16 & 17)**
- REF... 13. On the upper contour of the left breast, close to the midline, there was a larger 2.5 x 2 cm cluster of petechiae **(REFER PHOTOS 16 & 18)**
14. On the outer aspect of the left breast and slightly below the lesion I have just described, there was a 1 x 2 cm cluster of faint petechiae.
15. All these clusters of petechiae had the typical appearance of bruising caused by suction kissing.
16. The rest of her general physical examination was unremarkable.
17. On genital examination Erica was Tanner Stage V, that is, fully mature.

18. She had a folded, oestrogenised adolescent hymen, typical for a girl of her age and genital maturity.
19. There was an acute laceration in the hymen at 7 o'clock. This extended from the edge of the hymen to the vaginal wall.
20. Fresh bleeding began from the edges of this laceration after touching it gently with a swab.
21. I did not perform a speculum examination, but there was no evident injury to the wall of the vagina beyond the hymen.
22. Forensic swabs (wet and dry) were taken from all the areas of petechiae already noted on the neck and breasts, and from the lower abdomen where Erica indicated that she had been kissed. Forensic samples were also taken from the lower vagina through the hymenal opening. Blood samples were taken according to standard procedure.
23. At 1.25pm I handed the completed Medical Examination Kit to Detective John LOVE.

Conclusion

24. In conclusion, Erica is a 15-year-old girl who presented to me with an allegation that she had been raped 12 hours previously.
25. She had multiple suction bruises to her neck and breasts, consistent with suction kissing.
26. She also had a recent laceration of the hymen. A complete laceration of the hymen is diagnostic of penetration through the hymen and is therefore consistent with her history of rape. It could also be consistent with an episode of consenting sexual intercourse.

27. I cannot on the basis of these findings differentiate between consenting and non-consenting sexual intercourse.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

Dated at Auckland this 5th day of December 2018.