

Sexual Assault: Nursing Notes Help To Convict Perpetrator.

The Court of Appeals of Georgia recently upheld a criminal conviction for sexual assault, aggravated assault and kidnapping, based in part on the testimony of the nurses who first cared for the victim when police brought her to the hospital.

The case points out the importance of careful documentation of all aspects of an encounter with a patient who has just recently been the victim of a crime.

A nurse who examines a victim of sexual assault can testify what the victim told the nurse about how the assault occurred.

The law recognizes an exception to the rule against hearsay for a patient's statements to a healthcare provider for purposes of medical treatment.

Medical records, if authenticated by the facility's designated medical records custodian, can also be used as evidence in court.

A victim's statements recorded by a nurse in the victim's medical records can be used by the court as evidence.

COURT OF APPEALS OF GEORGIA
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The courts tend to accept nurses as medical experts in the area of sexual assault. In this case the nurses testified that their physical exam, which did not reveal injury to the genital area, would not necessarily be inconsistent with a recent sexual assault. ***Opio v. State***, __ S.E. 2d __, 2007 WL 677791 (Ga. App., March 7, 2007).