

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. I saw Cherish GRAINGER, a fifteen-year-old girl, at Puawaitahi beginning around 3am on Friday the 1st of November 2021. She was brought by Detective Sergeant Kevin TIERNAN, for an urgent forensic examination after an alleged sexual assault. Priscilla BILBY, Te Puaruruhau Nurse Specialist, assisted with the examination.
6. Cherish was met at Puawaitahi by two support workers from South Auckland Counselling Services.

History

7. The history provided by Detective TIERNAN was that Cherish had been at the music awards in the city. She caught a train and got off at Manurewa. She was walking home, when a man in a car stopped and asked her if she wanted a ride. She got in the car with him. He drove onto a vacant block of land and said he wanted to have sex with her. She ran off but he ran after her and caught her. He had sex with her in the back of the car. He then drove her to a service station. She went in and told the attendant at the service station, who

called the Police. I understand that the alleged offender then drove off but was quickly apprehended.

8. The alleged assault had happened between 11pm and midnight, so approximately three to four hours before I saw her. She had not washed or changed her clothes since the alleged assault.
9. In response to the direct questions in the medical examination record, Cherish told me that there had been penetration of her vagina by his penis and finger. He had touched her genitalia and she had touched his. She did not know whether ejaculation had occurred. No condom had been used. He had sucked her on the neck. There had been no loss of consciousness during the alleged assault.
10. She said that he put his arm around her to hold her and held and pushed her down. He had his hand on her neck from the front, pushing her down, but she was not strangled. In response to the question concerning threats of harm she replied: *"Just telling me to F---up"*. She had vaginal pain at the time but no bleeding, and that pain was resolving by the time I saw her.
11. Cherish had no past medical history of note. Her last period had been the preceding week. There had been one episode of consenting intercourse with her boyfriend seven days previously.
12. In terms of alcohol, Cherish had drunk three cans of *"Envy"* between 4pm and 5pm on the afternoon of the 3rd of November. She also had a bit of champagne, and she had a few sips of Woodstock just before the alleged assault, given to her by the alleged offender. In terms of recreational drugs, she had tried some *"glue"* on the Wednesday night but had blacked out, and had had some glue *"in the motel"* with her *"girl-mate"* on the Thursday.

Examination

13. On examination, Cherish was calm, co-operative and clinically sober. She was 157cm tall and 59.6kg in weight. She was Tanner Stage V. That is, she had the physical maturity of an adult woman.

14. On both sides of her neck there were typical "*suction bruises*". These consisted of dense clusters of petechial (pinpoint) haemorrhage on both sides of the neck, over the sternocleidomastoid muscle. This is the muscle that runs from just behind the ear to the top of the breastbone on either side of the neck.
15. On both sides of the neck, there were two such bruises, one behind the other. On the right, the larger bruise was roughly rectangular, 4cm tall and 1.5cm wide. The smaller bruise was roughly triangular and approximately 2cm in diameter. On the left, the larger was 4cm by 4cm, roughly triangular in shape, and the smaller was 2.5cm by 2.5cm and also roughly triangular in shape.
16. There were no other injuries to the neck, and she had no symptoms to suggest any trauma to the airway or swelling of the airway. The rest of her general physical examination was normal.
17. On genital examination she was Tanner Stage V. She had a normal folded oestrogenised adolescent hymen. There was no bruising, bleeding, transection or discharge.
18. Forensic swabs were taken according to standard procedure, including wet and dry swabs from both sides of the neck, from around the mouth and from the palms of both hands. All the forensic samples taken are documented in the medical examination record. We also provided her clothes to the Police according to standard procedure. These did not include her knickers, which she thought had been left in his car.
19. We did not perform a pregnancy test as Cherish had an implantable contraceptive device in place. We performed basic screening tests for sexually transmitted infections. We also provided prophylaxis against sexually transmitted infections, with Azithromycin, Ceftriaxone and Hepatitis B immunisation.

Conclusion

20. In conclusion, Cherish was a fifteen year old girl who presented with an alleged sexual assault involving penile-vaginal penetration three to four hours before the time of my examination.

21. Cherish's genital examination was normal, which neither confirms nor refutes the allegation. Normal genital examinations are the usual finding in adolescents of this age after sexual intercourse, whether consenting or not. The bruises on the neck are typical of suction bruises, but again these do not differentiate between consenting and non-consenting sexual activity.

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 2022