

Waterford Doctor Acquitted of Two Sexual Assault Charges

A Waterford doctor has been acquitted of sexually assaulting two female patients during medical consultations.

The 37-year-old was alleged to have touched the women's breasts while examining their chests with a stethoscope.

The man had pleaded not guilty at Dublin Circuit Criminal Court to two charges of sexual assault at a GP clinic in Dublin on February 19th and 20th, 2013.

The doctor had travelled from his Waterford home to work as a locum for two days with the Dublin clinic. He has previously worked as a doctor in counties Cork, Offaly and Tipperary and at Waterford General Hospital.

The younger of the alleged victims is taking a civil case regarding the allegations while the older woman has made a complaint to the medical council.

A jury of five women and seven men deliberated for just over six hours before returning a unanimous verdict.

Judge Catherine Murphy thanked the jurors for their service and said she will hear an application for his costs at a later date.

During the four day-trial the two women said they had felt very uncomfortable at a number of points during their medical examinations before the alleged sexual assault.

The first woman, aged 23, said that the doctor had unbuttoned two buttons of her shirt after she had unbuttoned the top two ones and that this left her chest and stomach fully exposed.

She said the doctor pulled her bra to one side, exposing her breast. She said that while holding the stethoscope in the palm of his hand he repeatedly brushed her nipple with his thumb.

She testified that she was telling herself at the time to calm down and not to get "so upset".

The second woman, aged 50, told the trial that she went to the clinic the following day with respiratory problems.

She said that while the doctor was using the stethoscope on the right hand side of her chest she felt a soft and repetitive movement over the nipple area of her left breast.

She believed he was stimulating this area from over her clothing with his left hand and said she could not believe what was happening.

She said she reached down and found his free hand on her breast. She jumped up off the couch and shouted: "get off me,

don't touch me".

She said she felt disgusted and violated and left the room in tears. In the waiting area she shouted that he had touched her sexually.

The accused followed her out of the surgery and denied that he'd done anything wrong. He told her she was making serious allegations and advised her to make a formal complaint. The accused told Gardaí that he categorically denied sexually assaulting either patient, saying: "I would have treated my own mother, wife, sister in the same way."

He said he has never had any allegations made against him before, adding: "I would find it very upsetting to have one but to have two in two days, I don't know what to say".

Both women testified that they thought the doctor was sexually aroused at a point during their consultations. The first woman said she saw a bulge while the second woman said she felt something hard pressing against her elbow and saw his groin was there.

The younger woman has told counsellors she feels a loss of confidence or faith in men since the alleged assault. She has reported experiencing suicidal ideation during therapy.

Michael Bowman BL, defending, put it to her that she was on a cocktail of over the counter and prescription drugs she had self-medicated with in the days coming up to the incident.

He said that these medicines combined with her illness and her stress about taking sick days from work to leave her in a state of heightened anxiety, stress and sensitivity which informed her perception of the doctor's examination.

Counsel for the doctor said that the second alleged victim was behaving peculiarly when she repeatedly said nothing to the doctor despite apparently feeling uncomfortable at a number of points during the examination.

She said that the doctor's face was uncomfortably close to hers and that she thought it was very strange when he unzipped her hoodie top without saying anything to her.

She said that she suspected his hand was stimulating her nipple from over her clothing she resisted the urge to jump up because she wanted to check it was actually happening by reaching her hand down to her breast.

Brendan Grehan SC, also defending, said he felt her actions were more like the actions of someone who was investigating the doctor to see how far he would go.

Melanie Greally BL, prosecuting, there is no evidence that the two women cooked up these allegations between them.

She said the evidence was that the second woman didn't know about the first woman's allegation until after she had made her own allegation of a sexual assault the following day.