



Sample Direct Examination of a SANE

(Accompanies Sanity Episode 01: Returning to the Courtroom with Shannon Sullivan, found at <http://oregonsatf.org/sanity-audio-learning-series/>)

Disclaimer: This list of questions is not exhaustive, and is intended only to provide a representative sample of the types of questions a SANE may be asked when testifying as a witness. The best way to prepare for testimony is to consult with the attorney who has called you.

Name

Employment

Education

Training

What is a SANE?

How are you qualified as a SANE?

How long have you been a SANE?

Can you give us a general overview of how a SANE exam is conducted?

What is the purpose of the exam?

Is law enforcement present while you perform this exam?

Turning to the specifics of this case, did you perform a sexual assault medical-forensic examination on *patient* on *date*?

What time did that exam happen?

What is the first thing you did after being asked to complete the exam?
(Include initial impressions of victim and initial information gathered)

After gathering the initial information, what did you do next?
(Direct to Section II: Report of Incident)

Why did you ask *patient* about what had happened?

Do you record what they told you?
(Include how documentation is performed)

Can you please tell us what *patient* was able to tell you that morning?
(Medical exemption to hearsay through OEC 803(4): 3 requirements
State v. Moen, 309 Or 45 (1990)

1. Statement must be made for the purpose of medical diagnosis or treatment,
2. Must describe medical history, current symptoms or the cause or external source of the injury,
3. Must be "reasonably pertinent" to treatment.)

Can you describe *patient's* demeanor while she was telling you this?

What information did you gather next?
(Go through sections referring to patient history in exam form, elaborating as necessary.)

What happened then?
(Go through exam process.)

Please explain the procedure you use in performing this exam.

Can you describe *patient's* demeanor during the exam?

Did you make any physical findings?
(Elaborate as necessary.)

Did you collect any swabs during this exam?

From where did you collect swabs?

What did you do with those swabs?

What time did the exam end?

How long did the exam take in its entirety?