

SUFFOLK ACADEMY OF LAW

The Educational Arm of the Suffolk County Bar Association 560 Wheeler Road, Hauppauge, NY 11788 (631) 234-5588



DOMESTIC VIOLENCE Strangulation

FACULTY

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> October 6, 2022 Suffolk County Bar Association, New York

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Michelle M. Tepper, DNP, MS, RN, AGNP-C, SANE-A, SANE-P

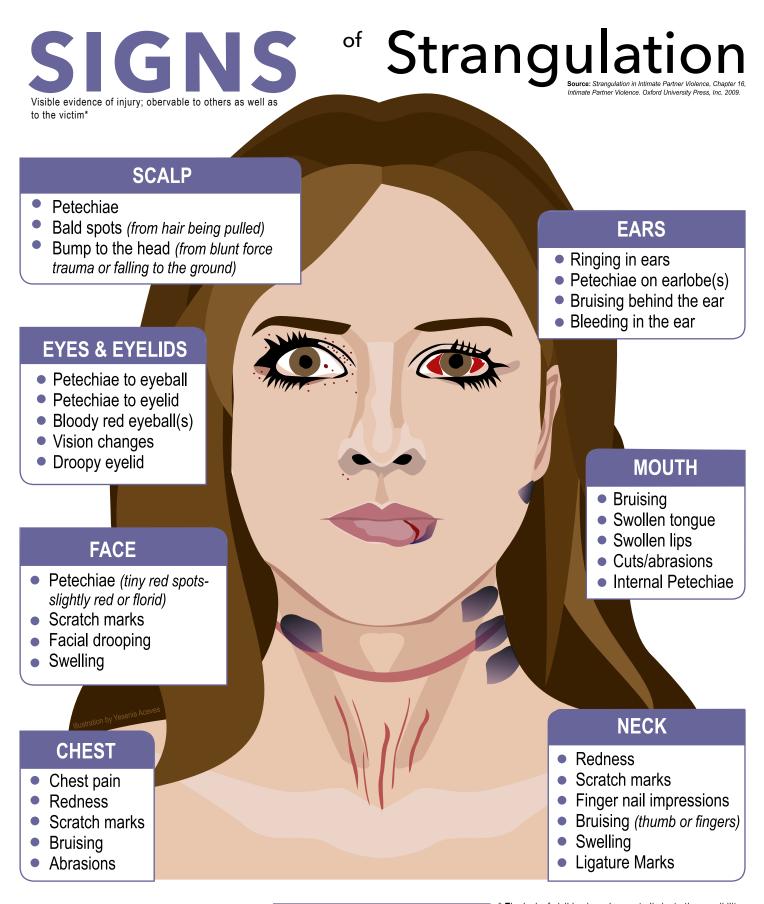
Michelle M. Tepper is a Doctor of Nursing Practice and a Certified Adult-Gerontological Nurse Practitioner. She is an emergency room Nurse Practitioner who also holds a Master of Health Care Policy and Management and a Master of Science in Nursing. She is New York State Department of Health Certified Sexual Assault Forensic Examiner, and Nationally Certified as a SANE-A (Adult/Adolescent), SANE-P (Pediatrics), and Forensic Nurse Examiner. In 2018, she spearheaded, alongside the Suffolk County District Attorney's Office, the Suffolk County Police Department, the Suffolk County Medical Examiner, and Long Island Against Domestic Violence, the first county-wide forensic nurse program for evaluation of strangulations. In addition, she serves as a clinical resource, provides expert witness testimony, and educates and trains medical and legal personnel on the topics of forensic nursing, domestic violence, sexual assault, and strangulation.



Shauna Kerr, Esq. - Suffolk County District Attorney's Office

Shauna started in the District Attorney's Office in August of 2003. She was assigned to the Child Abuse and Domestic Violence Bureau in October of 2006 and remained there until October of 2019 when she was promoted to the Trial Supervisor of the Domestic Violence Unit.

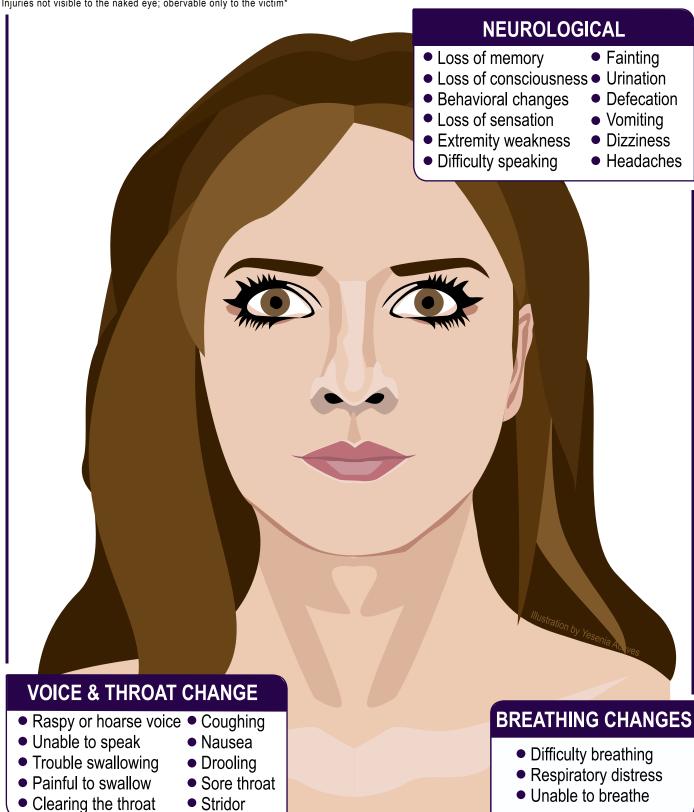
In January of 2022, she was promoted to Deputy Bureau Chief of the Suffolk County District Attorney's Office. She conducted several trials including child abuse cases that resulted in life sentences and domestic violence trials that resulted in sentences of up to 48 years.





* The lack of visible signs does not eliminate the possibility of strangulation; invisible symptoms may also be present.

SYMPTOMS of Strangulation National Partner Volence, Chapter 16, Initiative Partner Vol





ARTICLE 121 N.Y.S. Penal Law

Strangulation and Related Offenses

- Office of the District Attorney of Suffolk County
 - Raymond A. Tierney
- Presented by Shauna Kerr
 - Deputy Bureau Chief Domestic Violence Unit(2022)

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•Section 107.

A Little History

- "The intentional obstruction of a person's breathing or
 - circulation is among the most potentially lethal forms
 - of [domestic] abuse...these acts send a message to the
 - victim that the batterer holds the power to take the
 - victim's life, with little effort, in a short period of time,
 - •and in a manner that may leave little evidence of an
 - •altercation....The suffering endured by these victims
 - often includes torment caused by the blocking of blood
 - •flow and/or near asphyxiation; it is not necessarily
 - •limited to "pain" alone"
- Statute became law November 11, 2010

•STATISTICS

- •*2008 Study Glass et al
 - Prior nonfatal strangulation was associated with
 - •greater than 6 fold odds of becoming an
 - attempted homicide and a greater than 7-fold
 - odds of being a successfully completed homicide
- •* Study Strack 2001
 - In 50% of strangulation cases there were no
 externally visible injuries
 - In 35% of the cases injuries were too minor or
 subtle to photograph

PL 121.11 Criminal Obstruction of Breathing or Blood Circulation

- A person is guilty of criminal obstruction of
 - •breathing or blood circulation when, with intent
 - to impede the normal breathing or circulation of
 - •the blood of another person, he or she:
- a. Applies pressure on the throat or neck of suchperson; or
- a. Blocks the nose or mouth of such person.
- Criminal obstruction of breathing or blood
- circulation is a Class "A" misdemeanor

•PL 121.12 Strangulation in the second degree

- A person is guilty of strangulation in the second
 - •degree when he or she commits the crime of
 - criminal obstruction of breathing or blood
 - circulation, as defined in Section 121.11 of this
 - •article, and thereby causes stupor, loss of
 - consciousness for any period of time, or any other
 - physical injury or impairment.
- Strangulation in the second degree is a class "D"
 •felony

- •PL 121.13 Strangulation in the first degree
- A person is guilty of strangulation in the first
 - degree when he or she commits the crime of
 - criminal obstruction of breathing or blood
 - •circulation, as defined in section 121.11 of this
 - article, and thereby causes serious physical
 - •injury to such other person.
- Strangulation in the first degree is a class "C"
- •felony

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