

The Detroit News

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Sinai-Grace nurse sent to stand trial on 2 sexual assaults of patients

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Detroit — A woman taken to the Detroit Medical Center's Sinai-Grace Hospital in August testified Thursday that she was in her room when a male nurse allegedly reached into her pants and sexually assaulted her.

Testifying during a preliminary exam in Detroit's 36th District Court, the woman, who The Detroit News is not naming as a victim of an alleged sexual assault, said she was taken to the hospital after she drank too much and had taken "quite a bit" of aspirin. She said she said was having a mental health issue.

During Thursday's hearing, the woman identified Wilfredo Figueroa-Berrio as the nurse who allegedly assaulted her. She was one of three who testified Thursday, alleging Figueroa-Berrios sexually assaulted them. Two of the women were patients at Sinai-Grace at the time of the alleged sexual assaults and one was a colleague of Figueroa-Berrios' attending a social event with him.

District Judge Tenisha Yancey ruled there was sufficient evidence to order Figueroa-Berrio to stand trial.

But before her ruling, Deborah Schlussel, Figueroa-Berrios' attorney, attacked the credibility of two of the women who testified, saying they were drunk and had a poor recollection of their time spent in the hospital aside from the alleged sexual assaults. "Somebody who doesn't remember anything but they remember these details, it's very selective memory and it's not credible," Schlussel said.

Schlussel said Figueroa-Berrios's colleague was lying about the sexual assault because she tried to kiss Figueroa-Berrios and he rejected her.



But Yancey said all three witnesses were credible in their recollection of the reported sexual assaults. Yancey said the two women at Sinai Grace were likely targeted because they were intoxicated and they may not remember the assaults. She noted of all three that "I guess there is a type here, and it's intoxicated."

"That's exactly the reason he thought she'd be a good victim," Yancey said before sending Figueroa-Berrios to stand trial on one of the cases. "Your client has preyed upon her vulnerability, which is disgusting. Absolutely disgusting."

'Nurse David'

One of the women testified that Figueroa-Berrios came into her room and introduced himself as "Nurse David," she said. He asked her how tall she was and said he needed to check something out.

"He slid his hand in the back of my pants and touched my vagina," the woman said. The woman said she was caught off guard, so she didn't say anything. Later that same night, Figueroa-Berrios came back and stood next to her so she could feel his aroused genitals on her leg.

She told several social workers the morning of Aug. 13 that the nurse had touched her. She didn't know his name at the time and the social workers checked the cameras. They told her a nurse had only come into her room once when she was asleep.

"I wasn't imagining it," she said. "They just kind of brushed it off, like it didn't happen."

Later that month, she said she saw a story on Channel 7 WXYZ about Figueroa-Berrios and she "immediately" recognized him as the nurse who had assaulted her.

But Schlusel said the woman is not credible, that she had a 0.369 blood alcohol content and that she cannot remember what tests she had done at the hospital, if she had any other nurses or if she had an IV.

Schlusel also pointed out that the woman told a doctor she had lied about trying to commit suicide and that she was looking for attention from her boyfriend.



'I was blaming myself'

Another woman said she woke up in the hospital after passing out while drunk at Dollar General. She said her nurse, Figueroa-Berrios, was in her room and told her she was "pretty" and "sexy." He put his hand on her breast, she said.

He left the room, then came back a short time later and guided her hand to touch his erect penis, she said.

She said he pulled down his scrubs and exposed his penis, then pushed on the back of her head, shoving his penis into her mouth.

She testified that he returned to her room and repeated the act multiple times.

The woman said she was still intoxicated and she felt fuzzy and confused. When she got home after being released, she was talking to her children's father. She thought maybe because she was drunk, it was her fault. But she was sure it happened, she said.

"I was blaming myself. Which it was my nurse, I was under the influence," she said.

The woman said she told a nurse about the assault when she was at Sinai-Grace several days later after passing out again. She kept asking for a patient advocate or a social worker and repeatedly told nurses what happened. One asked her, "So you're telling me you had consensual sex?"

A Detroit police officer later came to her home to take a statement from her, she said.

Alleged sexual assault of a colleague

The third victim, a colleague of Figueroa-Berrios, said Figueroa-Berrios sexually assaulted her in a porta potty outside of the Tin Roof bar in Detroit.

A group of coworkers, including her and Figueroa-Berrios, went to a Tigers game downtown, then decided to hang out at the Tin Roof after. She and Figueroa-Berrios were waiting in line to use the porta potty and when she stepped inside one, she said Figueroa-Berrios pushed past her and went in with her, latching the door.

He started to pee in the urinal and the woman said she was in shock, but felt safe because they are both married and are nurses. So she sat down to pee as well.

As she stood up to get toilet paper, "I felt him take his hand, like a credit card, and put his hand up and down" her rear end.

She said Figueroa-Berrios told her repeatedly she had a beautiful genitals and asked if she wanted to see his penis.

She did not report the incident until August because of something a coworker told her that made her feel like nothing would happen if she reported him. Schluskel said the woman's testimony was not true.

"She tried to kiss my client, he refused her and she can't handle it, so she makes up this story. It's just preposterous," Schluskel said. "You'd have to do crazy contortions to do this inside a porta potty. The story is just crazy."

But Yancey said the woman was credible and her story was believable.