

Convictions of oral surgeon on sex charges thrown out; retrial ordered

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The Tennessee Court of Criminal Appeals has thrown out a Nashville oral surgeon's three felony convictions of sexual battery. The doctor was accused of fondling a 21-year-old patient during two visits to his office.

The court last week ruled that the case against Dr. Deji Ogundiya be retried because jurors should have been given the option of convicting him of a lesser offense of misdemeanor assault.

The state attorney general's office conceded error in the case, said Nashville attorney David Raybin, who represented the doctor on appeal.

"The doctor and I are very happy with the ruling of the higher court, and since the state conceded, I don't think the case will go any further."

After Ogundiya was convicted, state Board of Dentistry and immigration officials went after the doctor, the attorney said. Ogundiya, who was born in Nigeria, is still practicing in Nashville.

He was convicted in September 2001 after a mistrial the month before.

A Tennessee State University student who went to the doctor to have her wisdom teeth removed testified that he touched her three times with what she thought was sexual intent during two office visits.

The woman said she wondered if the first touch, on her breast, was inadvertent, but said he embraced her and fondled her when she came back for another visit. She also testified that she complained to her medical insurance company but was told she would have to go back to Ogundiya to complete treatments.

Ogundiya, 53, denied touching the woman — or anyone else in his office — with sexual intent.

A patient and a temporary worker testified that he had fondled them.