



F47 Christopher Wilson: Unintentional Second-Degree Murder Conviction for a Killing Committed by Dogs

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The goal of this presentation is to review this case that set legal precedence with a detailed review of forensic dental involvement.

On April 24, 1997, Christopher Wilson, age 11, was attacked and killed by three Rottweiler dogs while waiting at a bus stop for his school bus. The dogs' owner was charged and convicted with unintentional second-degree murder, K.S.A. 1998 Supp. 21-3402(b). Conviction was subsequently upheld in the court of appeals and eventually the Supreme Court of the State of Kansas. This case is unique in that to the knowledge of the prosecution, "no precedent existed in this state for convicting a person of homicide for a killing committed by his or her dogs."

The case involving the three dogs included a number of factors regarding the defendant including: "She selected powerful dogs with a potential for aggressive behavior and that she owned a number of these dogs in which she fostered aggressive behavior by failing to properly train the dogs. She ignored the advice from experts on how to properly train her dogs and their warnings of the dire results which could occur from improper training. She was told to socialize her dogs and chose not to do so. She ignored the evidence of the dogs getting out on numerous occasions and her failure to properly secure the gate. She ignored the aggressive behavior her dogs displayed toward her neighbors and their children."

The State presented evidence that "she created a profound risk and ignored foreseeable consequences that the dogs could attack or injure someone. The State is not required to prove the defendant knew her dogs would attack and kill someone. It was sufficient to prove that her dogs killed Christopher Wilson and that she could have reasonably foreseen that the dogs could attack or injure someone as a result of what she did or failed to do."

The three dogs involved in this case included two females and one male. The male and one female were adult dogs and the third was a female puppy. It was concluded the dogs displayed "pack" behavior with the adult male dog acting as "alpha" dog.

Forensic dentistry was consulted to evaluate the bite marks inflicted on the victim. Particular attention was focused on which dog inflicted the fatal wound. Also of particular interest was the examination and evaluation of specific bite wounds and the identification of the dog inflicting the bite. The location of these wounds on the body and the knowledge of which dog inflicted these wounds became important to the case.

The dogs' heads were retained by Kansas State University for the purpose of conducting rabies studies. This allowed forensic dentistry to examine and evaluate the dogs' dentitions. Stock impression trays could not be utilized due to the unique dental characteristics of the Rottweiler breed. A complete review of the dogs' dentitions were conducted with a consulting veterinarian from Kansas State University School of Veterinary Medicine.

The bite marks were evaluated with traditional methods utilized in forensic dentistry. These methods included the evaluation of numerous photographs. Color, black and white and V.V. photographs were taken of the victim and subsequently analyzed. Utilizing the ABFO No. 2 scale the photographs were set to a 1:1 scale. Impressions were taken of the dogs' teeth. It was necessary to construct custom impression trays to capture impressions of the dogs' teeth. Models were made of the dogs' teeth and acetate overlays of the incisal edges of the teeth prepared. Utilizing this method, direct comparison studies were conducted evaluating the individual bite wounds with the individual dogs' dentition.

A detailed review of the legal aspects involving this case will be presented. The specific forensic dental examination, evaluation, and methods of comparison will be reviewed.

Animal, Bite, Mark