



### **F42 The Danielle van Dam Homicide Case in San Diego 2002: A Circumstantial Case That Included Pathologists, Odontologists, Criminalists, and Entomologists**

*Norman D. (Skip) Sperber, DDS\*, Chief Forensic Dentist for San Diego and Imperial Counties, CA, 6237 Caminito Telmo, San Diego, CA 92111*

The goal of this presentation is to discuss a case study that illustrates how the specialties listed above, working closely with prosecutors, led to the death penalty for the suspect.

Despite the absence of a confession and the fact that there was not a witness to this homicide, the circumstantial case presented by the prosecution, was strong enough to persuade the jury panel to find the suspect guilty. This case required the expertise of a pathologist, an odontologist, several entomologists, and especially evidence technicians and criminalists. The analysis of blood stains, fibers, and the victim's head hairs was crucial to this case.

The U.S. Criminal Justice system will review this case for years to come, as far as the objectivity and accuracy of all the involved investigators. Compared to the O.J. Simpson case, it was a model for forensic excellence.

On the morning of February 2, 2002, a nightmare began for the family of Danielle van Dam, a seven-year-old, when she was found missing from her bedroom and house. She lived in the affluent community of Sabre Springs, in San Diego, CA. This event eventually led to the arrest of a neighbor, David Westerfield, a fifty-year-old father of grown children and a design engineer, on February 22, 2002. He was charged with kidnapping and burglary. Three days later, on February 25, 2002, he was charged with murder.

Remarkably, two days later on February 27, 2002, volunteer searchers found the body of a young victim. The body was found decomposed and ravaged by animals and insects. Sources disclosed on this same day, that defense attorneys and prosecutors were considering a life without parole sentence rather than the death penalty, if the suspect were to disclose where he had left the victim's body. When the body was found that day, all attempts at plea-bargaining were terminated.

Thus, began one of the most notorious murder trials in the history of San Diego County at the same level as the Cara Knott homicide committed by California Highway Patrolman Craig Peyer, which was reported by this presenter to the AAFS, 15 years ago.

Amidst revelations of the parents' lifestyle, bringing strangers into their house, with three young children at home and the fact that David Westerfield had no criminal background but had casually known the mother and daughter prior to the missing person's report, the trial began. The presenter was contacted by Captain Ron Newman of the San Diego Police Department, Homicide Unit, in charge of the case, on the same day, the victim was found.

An autopsy began the next day and was halted briefly so that a forensic dental examination could be performed. Supplied with antemortem radiographs of the victim, positive identification was announced within 1 hour by the presenter, through comparison of the postmortem films. Several teeth were missing from the anterior maxilla. One deciduous and one permanent incisor were found in the vestibule area.

Days later, the police department asked the presenter to examine marks on the arm and leg of the suspect. Initially, they were believed to be either human bite marks or human fingernail scratches. This contention was denied by the presenter, and that evidence was not part of the District Attorney's case. Her dental identification was verified by fingerprint and DNA evidence weeks later, as the motor home and house of the suspect were combed for evidence.

The evidence was as follows:

1. Victims blood (DNA) on the jacket of the suspect plus the victims blood (DNA) in the motor home of the suspect which had been driven over 600 miles during the weekend when she was reported missing.
2. Her hair (DNA) was found on the pillowcase and sheet of his home bedroom, two doors from the van Dam's home.
3. The victim's hair (DNA) was also found in the sink drain of the motor home.
4. Fibers from the van Dam house were also found in the interior of Westerfield's motor home next to the bed.

Several forensic entomologists testified during the trial. Their testimony appeared confusing and contradictory as to establishing the time of death. (Westerfield was not arrested for three weeks, but was on continuous police surveillance). The defense team felt that the fly and insect activity would prove that Westerfield could not have committed the murder and disposed of the body because he was under a 24-hour watch. At the trial, Medical Examiner Brian Blackbourne was unable to provide a cause of death or a time of death due to the condition of the child's body.

On September 17, 2002, David Westerfield's jury decided that he should die for the kidnapping and murder of 7-year-old Danielle van Dam.

**Odontology, Pathology, Criminalistics**