



Physical Anthropology Section – 2005

H25 When Experts Disagree: There May be a Rodent Involved – Part I: The Request for a New Trial

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After attending this presentation, attendees should be alerted to the need to assess qualifications and experience of "experts," and to evaluate their findings using a comprehensive examination of the actual remains in question. In cold cases this also requires a review of all previous documentation.

The forensic anthropology component of this case began in 1981 when Dr. WM Krogman was asked to examine remains found in a sleeping bag in Chautauqua County, NY. Krogman's analysis indicated the individual was male, 35-40, and "Caucasoid (white) with an ethnic origin (nationality) probably from Central/West Europe." He was approximately 5' 7 ¼ "of moderately slender body build, weight 145-155 pounds. Time elapsed since death c 1-2 years. Additional comments included "an unhealed (recent) injury which exposes the cancellous composition of the upper orbital margin and the frontal bone above it. At first it was thought to be caused by a knifed slash, but it may have been caused by the glancing impact of a bullet." NOTE: the latter statement will be revisited inasmuch as it relates to a "new theory of the crime."

In 1992 the skeleton was positively identified dentally as Frank Carroll. The remains were shipped to Ohio because of a tip that he had been murdered in Lake County Ohio in 1980. Eyewitness testimony in a 1993 trial alleged that Carroll's death resulted from gunshot wounds fired from a 22-caliber pistol by Larry Schlee, who was convicted. Later, Schlee, with a good lawyer, found the loophole of evidence not submitted at trial. A quest for a new trial began, using affidavits from a forensic pathologist, a "forensic" anthropologist (still not Board Certified nor a member of the AAFS) best known for his work in paleoanthropology, another physical anthropologist who does "not usually use the term 'Forensic Anthropologist' as a formal title," and a "Biomechanical Consultant specializing in Forensic Biomechanics."

In 2002, at the request of Vincent Culotta, Chief Assistant Prosecuting Attorney of Lake County Ohio, the Sauls examined the skeletal remains of Frank Carroll. They looked for the presence of antemortem, perimortem, and postmortem trauma, as well as any taphonomic modifications, and attempted to evaluate and reconcile differences of opinion present in the various earlier reports. The Sauls found that the only perimortem trauma were gunshot injuries. They noted postmortem trauma/defects that included rodent damage to the supraorbital ridges (see Krogman's comment) and other bones, carnivore damage and defects due to postmortem removal of bone for analysis as well as handling.

Upon reading the expert's affidavits, they were startled to learn that a new trial was being requested based on a new "theory of the crime" - death by sharp force. This was the other experts' interpretation of the postmortem damage noted above. A linear groove in the superior surface of the 7th cervical vertebra body, noted by one expert as being "consistent with application of an edged instrumentality," was present only in a 1993 photograph as an impression in what the Sauls suspected was clay used to position vertebrae for photography.

Several of the experts stated that gunshot injuries could not have been responsible for Carroll's death for various reasons, including failure of the bullets to pass through vital structures. Although the Sauls do not consider themselves gunshot experts, Frank P. Saul is Professor Emeritus of Anatomy at the Medical College of Ohio, and felt that the experts' anatomical reasoning was deficient. Furthermore, the Biomechanical Consultant's detailed analysis of the eyewitness account of the shooting and the expected angle and direction of fire based on relative heights and handedness would not apply to all the gunshots fired ("Frank fell to the ground. Larry shot all the rounds from his automatic in Frank's head and neck") - a fact apparently never considered by the expert.

With Mr. Culotta's permission, questions concerning the gunshot injuries and survivability of the victim were reviewed by Carl J. Schmidt, MD, D-ABP-FP, Chief Medical Examiner of Wayne County Michigan (Detroit), who is very familiar with gunshot wounds. Dr. Schmidt stated that aside from the life threatening damage caused by the gunshot wound in the right maxilla that exited through the right alveolus and hard palate, the gunshot wound in the right mandible was a probable "contact GSW and the blast effect would have killed him."

The Sauls received permission to forward the remains to Dr. Steve Symes, then at the Memphis Regional Forensic Center, for further analysis. Although Symes' analysis essentially agreed with and amplified the Sauls' analysis, Schlee was granted a new trial. Symes' analysis and trial testimony is continued in Part II: The New Trial.

Cold Cases, Skeletal Trauma, Rodent/Carnivore Damage