



Pathology Biology Section – 2007

G110 Combined Types of Violence in Child Abuse: Report of Three Cases

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After attending this presentation, attendees will learn how different types of injury and neglect may contribute to child death in abuse, evaluate the differential contributions of neglect and battering in child homicides, recognize two or more distinct contributing causes to death in child homicide, and evaluate impact of such recognition on courtroom testimony.

This presentation will impact the forensic community and/or humanity by demonstrating overlapping and concurrent types of injury contributing to death in cases of child abuse, assessing relative contributions of injury and neglect in child homicide, and considering judicial outcomes and defense strategies in child homicides due to combined types of injury.

Forensic autopsy on battered children often identifies characteristic findings such as evidence of head impact with and without shaking, beating with and without patterned injury, fractures of ribs and long bones in various stages of healing, liver lacerations and other visceral injuries, and burns. Forensic autopsy on neglected children frequently reveals starvation, untreated medical illnesses, growth retardation, and dental caries. Neglect may also be diagnosed at autopsy when a caretaker has allowed a child to suffer injury through inattentiveness, such as when an unwatched child drowns.

The concurrence of neglect and battering is less common. This case series presents two children who came to forensic autopsy because of a combination of fatal neglect and fatal injury on the part of caretakers, and one child whose fatal injuries were due to two unusual overlapping kinds of violence, smothering and shaking/impact. Defense strategies and judicial outcomes for these cases are reviewed.

Case 1. Drowning and battering. A 3-year-old girl was left alone in a bathtub filled with water for what the mother described as ten minutes. The mother stated that the girl was underneath the water when she returned, lifeless. Emergency medical services found the child lying on a couch in the livingroom, with a large amount of water on the couch. The girl had numerous bruises, lacerations, and abrasions over the back, chest, and extremities. Autopsy showed pulmonary edema with abundant froth in the tracheobronchial tree, supportive of drowning. There were also healing fractures of the left clavicle and of a left rib, and numerous scars of the head, trunk, and extremities; some of the wrist scars were due to ligatures. Malnourishment was diagnosed by the weight (less than 5th percentile for a normal girl of the same age) and height (less than 25th percentile), with a weight-to-height ratio less than the fifth percentile. Death was certified as due to drowning, with the manner homicide.

The mother was charged with felony second-degree murder in the setting of felony child abuse and neglect. Defense strategy included the argument that there was no connection between the abuse and the drowning. The mother was convicted. At the time of conviction, she was pregnant. The sentence of 16 years reflected the judicial decision to maintain her incarceration until all her five surviving children (including the fetus) should grow up.

Case 2. Smothering and shaken impact. His father found a 23-month-old boy dead in his bed, with obvious injury to the face and abdomen. The child had been in the care of his girlfriend before he was put to bed. Autopsy showed that the child had severe blunt force trauma to the head, torso, and extremities. This included bilateral subdural hematomas with retinal hemorrhages and optic nerve sheath hemorrhages, consistent with shaking, and multiple subgaleal hemorrhages and a brain contusion due to impact. There were multiple contusions and abrasions of the abdomen, including patterned injury, with contusions of the bowel and contusions and laceration of the mesentery, and right perirenal hemorrhage. There were multiple abrasions and contusions of the extremities without fractures. However, there was also evidence of smothering, including abrasions and contusions of the face, chin, and lips, and petechiae of the conjunctiva, face, scalp, and oral mucosa. Death was certified as due to acute blunt force head injury and asphyxiation from smothering, with the manner homicide.

The girlfriend was charged with felony child homicide. Defense strategies included the allegation that the caretaker was not the batterer, but that the child's 21-year-old developmentally challenged brother had fatally injured him during rough play on the floor; and that if the defendant had smothered him accidentally against her clothing, she had done so while holding a fatally battered child. The defendant was found guilty. The brother was not charged. Sentencing is pending at the time of this abstract.

Case 3. Starvation (neglect) and battering/shaking. An 8-week-old infant girl was found dead in her crib. A history was given that she had not been eating well for three weeks, but there had been no contact with medical professionals since birth. At autopsy, the child was dehydrated and severely



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malnourished (autopsy weight 5 lbs; birth weight 7 lbs 10 oz). The eyes were sunken, and the contour of the ribs was visible through the skin. The thymus had atrophied. The gastric pouch was empty, the duodenum and small bowel were nearly empty of chyme, and there was very little stool in the colon. There were bruises of the right forearm and left elbow, and on internal examination, there were multiple rib fractures in varying stages of healing. Examination of the head revealed multiple subgaleal hemorrhages, a linear right parietal skull fracture, and multifocal subdural hematomas of varying ages overlying recent and old brain contusions. Histology showed a dense neutrophilic inflammatory response in the subdural hematomas and the meninges of the brain and spinal cord, and multiple autopsy cultures grew out a single organism, *Salmonella arizonae*. Death was certified as due to meningitis, due to infected subdural hematoma, due to inflicted traumatic brain injury, with starvation contributing; with the manner homicide. The mother pled guilty. Sentencing is pending at the time of this abstract.

Review of these cases will illustrate the forensic methods used to elucidate multiple overlapping types of injury and neglect that may contribute to complex cases of child homicide.

Child Abuse, Child Neglect, Combined Types of Violence and Injury