



Pathology Biology Section – 2007

G41 Non-Traumatic Homicide Following Assault: 16 Cases - A Review of Investigation, Pathology, Toxicology, and Judicial Outcome

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After attending this presentation, attendees will understand some principles of the classification of the manner of death as homicide when death occurs as the result of a physical altercation or a significant implicit threat in the absence of fatal traumatic injuries, by reviewing the investigation reports, the pathology reports, the toxicology reports, and the judicial outcomes of these cases.

This presentation will impact the forensic community and/or humanity by discussing how these types of cases can differ from traditional homicides which most often result from traumatic injuries and the classification problems which can arise including a review of the Davis guidelines written in 1978 and the judicial outcome differences.

Homicide is most often defined as death at the hands of another. When traumatic injuries are the cause of death, the manner of death is usually obvious and clear. However, when the traumatic injuries do not cause death and one must rely on the investigation for the manner of death, the case must be critically evaluated. If a physical altercation takes place immediately prior to death or the development of signs and symptoms such as chest pain begin during or within a short time after the assault, then temporal relationship between the assault and the death cannot be ignored and a manner of death of homicide must be considered. Likewise, if no contact between the decedent and the assailant(s) occurs, but there is a significant implicit threat to safety (Davis guidelines), one must also consider homicide, as again, the temporal relationship cannot be ignored.

Sixteen cases were reviewed from the state of Maryland from the years 1990 through 2006 where death was determined to be the direct result of a struggle/assault or the result of a significant implied threat. All of the cases were classified as homicides on the death certificates. None had any traumatic injuries listed on the cause of death line or as contributory to the cause of death although some did have minor lacerations, contusions, and abrasions. Of the 16, three (19%) were female. Eight (50%) were African American. The ages ranged from 15 years to 89 years with a mean age of 55 years. Most of the causes of death were cardiac in nature including cardiac arrhythmias, coronary artery disease, hypertensive changes, congenital anomalies, aortic dissection, and coronary artery tunneling. In addition, one case of ruptured berry aneurysm was noted. Toxicology was negative for ethanol in 12 of the 15 cases (80%) cases and negative for illicit drugs in ten out of 13 (77%) cases in which drugs were tested. Of the positive cases, cocaine and morphine were the illicit drugs that were identified. Cocaine was detected in all three cases with morphine additionally detected in one of the three. Cocaine was listed as a contributing cause of death on the death certificate in all three cases.

In 15 of 16 cases (94%), there were physical altercations between at least two individuals. Of these, four (27%) were known to use a blunt object other than a fist such as a baseball bat (2), walking cane, or walker. In one case a blunt object (plank) was thought to have been used but was not confirmed through investigation. One individual was held at gunpoint but a physical struggle never ensued prior to loss of consciousness. In three (19%) cases no injuries, even minor, were described. The majority of cases (69%) involved individuals over 50 years of age. The remaining younger population could be further subdivided into those with congenital abnormalities and those with positive toxicology.

The judicial outcomes for these cases varied from no charges filed to full jury trials. The determination of the extent of prosecution for each case was case dependent because of their complexity and nature. In one case there was a bench trial with a conviction, subsequent appeal and retrial with a jury.

Davis Guidelines, Non-Traumatic Death, Homicide