



Pathology Biology Section – 2009

G97 50 Years Later: How Insect Evidence is Key in Turning Over a Wrongful Conviction in Canada's Most Notorious Case – *Regina v. Steven Truscott*

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After attending this presentation, attendees will understand the history and cultural impact of *R. v. Truscott*, and the evidence that led to overturning this miscarriage of justice.

This presentation will impact the forensic community by illustrating the use of modern evidence in reanalysis of older cases, the importance of having forensic analyses based on scientific evidence and value of recreation experiments.

The body of 12-year-old Lynne Harper was discovered at 1:50 p.m. on June 11, 1959 in a woodlot northeast of Clinton, Ontario. She had been raped and strangled using her blouse. Insect evidence was photographed and collected both at the scene and autopsy, and the insects were reared to adult for identification. However, the insect evidence was not used in the 1959 trial or 1960 appeal. Stomach content analysis was used to pinpoint a 45 minute period for the time of death, two days prior (7:00 – 7:45 p.m., June 9, 1959). Based predominantly on this time frame and some circumstantial evidence, Lynne's classmate, 14-year-old Steven Truscott was convicted of her murder and scheduled to be hanged on December, 1959. A temporary reprieve on November 20, 1959 postponed his execution and on January 22, 1960, his death sentence was commuted to life imprisonment. Truscott was the youngest person to be sentenced to death in Canada, and his case provided the major impetus toward abolition of the death penalty in Canada. Truscott always maintained his innocence. After serving his sentence, Truscott was released and in 2001, he filed for review of his 1959 murder conviction. Fresh evidence was presented at hearings held at the Ontario Court of Appeal in 2006-2007. This new evidence included testimony of three forensic entomologists, with three other forensic entomologists filing reports (but not called to testify) on the insect evidence. Based on the analysis of the insect evidence, a recreation experiment of insect evidence and a reanalysis of the pathology evidence on stomach content analysis, the original estimate of time of death was considered to be unreliable. Truscott was with numerous witnesses prior to 1900 h and after 8:00 p.m. on June 9, 1959, thus the estimate of time of death was the most critical evidence in the original 1959 trial and the 2006-2007 appeal. In 2007, his conviction was declared a miscarriage of justice and Truscott was acquitted of the murder.

Forensic Entomology, Wrongful Conviction, Historical Cases