



D77 I Shot Him: A Case for Murder or Self-Defense

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After attending this presentation, attendees will have an understanding of the challenges faced by investigators and prosecutors in a homicide case where the perpetrator is the sole survivor witness and claims self-defense. Attendees will be presented with the facts of the case and an evaluation of these facts with regard to murder or self-defense.

The presentation will impact the forensic science community by articulating the investigative steps necessary in sound crime scene processing and the theory underlying the claim of necessity of self-defense in a criminal case.

On April 3, 2009, the decedent was shot to death by his wife in their rural Meigs County home. The wife told her stepson and responding investigators that her husband was showing her how to shoot a gun and she didn't know that the safety was off, and the gun went off and then kept going off multiple times until empty. The weapon was a 9mm semi-automatic pistol. The wife told the responding investigators that she and her husband had a good marital relationship, had had no argument, and that the gun "just kept going off."

The decedent was found in the home living room reclining in a cloth-covered recliner chair. He suffered gunshot wounds of the upper and mid chest, abdomen, left arm, right leg, and right thumb. The room and home was neat and orderly with no signs of a struggle. The weapon and ejected casings were found nearby the body.

At trial the wife was charged with aggravated murder. Rather than to assert an accidental shooting due to weapon misfire as she had originally stated to investigators, she alleged self-defense and that she had been a victim of "Battered Wife Syndrome." A jury found her not guilty of aggravated murder, but deadlocked regarding the lesser included offense of murder and a mistrial was declared.

The wife was subsequently tried before a second jury for murder. At the second trial she again asserted self-defense stating the decedent became increasingly abusive after retiring several years previously. At trial, both the prosecution and defense provided expert testimony both with regard to the movements and positions of the defendant and decedent at time of the shooting and also about Battered Wife Syndrome. The defendant claimed the decedent, a very large man, attacked her with a paddle and was standing over her, after knocking her to the floor, when she was forced to shoot him in self-defense. Prosecution maintained the decedent did not assault his wife, that she had no assaultive injuries at time of the initial investigation, and he was either in his chair or coming out of it when the shooting occurred. The defendant was found guilty of murder and sentenced to life with parole.

In the State of Ohio for a defendant to assert the self-defense claim of necessity the defendant must show by a preponderance of the evidence that she reasonably believed herself to be in imminent danger of death or serious bodily harm and that a reasonable person would feel the same way in the same or a similar situation. In this case the evidence did not support a history of violence or battering, nor did the evidence support the weapon misfiring.

Murder, Self-Defense, Gunshot Wounds