



F4 Moderate Force Blunt Trauma to the Head Leading to Coma: The Role of the Medicolegal Expert in the Assessment of Attempted Murder Charges

Sara Hemied, MD, Viale Regina Elena 336, Rome 00161, ITALY; Alessandro di Luca, MD, Viale Regina Elena, 336, Rome 00161, ITALY; Giorgia Ciancolini, via ex ospedale n. 10, Ronciglione (VT), ITALY; Irene Catarinozzi, MD, Viale Regina Elena 336, Rome 00161, ITALY; and Natale Mario di Luca, MD, Viale Regina Elena 336, Rome 00161, ITALY*

After attending this presentation, attendees will understand the numerous difficulties in establishing a causal link between moderate use of force by the accused and serious life-threatening consequences for the victim.

This presentation will impact the forensic science community by explaining the difficulty of some rare cases wherein the role of the forensic expert is crucial in establishing the nature of the prosecution.

In both civil and common law, a profound difference can be found between the accusation of personal injuries and attempted murder in terms of the significance of accusation and consequent punishment. In most jurisdictions, the sentence may vary from a few months to several years in prison. One of the various cases in which the forensic examiner plays a key role in law proceedings is when, on the basis of the fact analysis and the injuries sustained by the victim, he is called to express an opinion about the exact charge, of the accused on behalf of the court.

The case reported here occurred just outside a nightclub in the historic center of Rome, where a young man was attacked for petty reasons by four men of the same age. The victim received several blows to the face with a scooter helmet. When the man reached the hospital, the physicians diagnosed three compound fractures, one each to the left eye socket, the nasal bones, and the left jaw. The man also reported that he had experienced several episodes of headache and vertigo in the days prior to the assault. A magnetic resonance imaging of the brain was performed, revealing the presence of a tumor-like formation surrounded by a vast area of hemorrhage. Histological exams were performed and revealed that the aforesaid formation was actually a World Health Organization Class II oligodendroglioma. Guidelines indicate that surgery resection should be performed on such neo-formation, yet the rupture of the capillary vessels of the tumor itself constitute an impassable contraindication. The man was treated with a decompressing craniotomy as a consequence of the massive bleeding and compression. The patient fell into a coma and six months later was declared to be in a persistent vegetative state. As shown by the facts, a modest series of blows (although delivered with an improvised weapon) caused the victim to fall in a serious near-dead state. The main matter of inquiry for the medicolegal experts was the assessment of the causal link between the blow dealt by the assailants and the consequences suffered by the victim. As “per se,” the strike with an improvised weapon had only provoked some marginally important fractures, yet the hemorrhage caused by the rupture of the oligodendroglioma capillary vessels led to the coma. In this case, the medicolegal experts informed the judge that the assailants were to be charged with attempted murder. Even though the victim was already suffering from the brain tumor, his condition had deteriorated due to the criminal act and there had been a significant decline in his chances of healing.

Attempted Murder, Oligodendroglioma, Legal Medicine