



Jurisprudence Section - 2016

F14 The Baby Tyler Case: Should Medical Examiners Have Access to Statements Obtained by Law Enforcement to Determine Cause and Manner of Death?

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After attending this presentation, attendees will better understand the opposing views of judges and forensic pathologists as to whether medical examiners should be permitted to use the defendant's own statements to the police in their methodology or whether the medical examiner should instead adhere solely to reliance on objective, scientific, and/or medical evidence.

This presentation will impact the forensic science community by continuing the important dialogue among jurists and experts as to whether medical examiners should rely on defendant statements to law enforcement in the same way as physicians would rely on a patient's history in determining a diagnosis and treatment.

The recent decision of the Iowa Supreme Court in the case of *State of Iowa v. Hillary Lee Tyler* may shed light on the limitations of medical examiner testimony in criminal cases. In *Tyler*, the defendant was convicted of murder in the second degree for the death of her newborn son, Baby Tyler. The Iowa Supreme Court found the trial court abused its discretion in allowing the medical examiner to testify to the cause and manner of Baby Tyler's death and in admitting the unredacted autopsy report into evidence because the medical examiner based his opinions primarily, if not exclusively, on defendant's statements to the police as opposed to objective, scientific, or medical evidence. This case was remanded for a new trial.

After performing the autopsy examination, the medical examiner's expressed opinions on both the cause and manner of Baby Tyler's death was "undetermined"; however, in his final report, the medical examiner concluded the cause of death was "bathtub drowning" and the manner of death was "homicide." In forming his opinions, he relied on the defendant's statements to police. The medical examiner's report indicated: "The mother claimed she had given birth the previous day in the motel room and then placed the infant in a bathtub partially filled with water shortly after the birth. The baby reportedly moved and cried after birth."

Medical examiners routinely rely on defendants' statements provided to them by law enforcement to determine the cause and manner of death. Is this an improper comment on the defendant's credibility? Was the medical examiner's opinion on these matters based solely on scientific or medical knowledge, scientific standards, or technical training, or merely based on the medical examiner's adopting the statements and conclusions of law enforcement? Is the medical examiner's reliance on the defendant's statements to police the same as when a physician relies on a patient's history in reaching a medical diagnosis? Should the defendant's "right to vigorously and thoroughly cross-examine" affect the trial court's decision to admit or not admit this evidence for the jury's consideration?

Should medical examiners opine on cause and manner of death based on a combination of history including scene findings, witness statements, a combination of physical exams such as the autopsy findings, and then supplemental testing? What if the defendant's statements to the police were not credible and the product of coercion? What if the defendant's statements were not credible due to her medicated and vulnerable state? How does the medical examiner use this testimony? Would the medical examiner's report be an improper comment on the defendant's credibility?

While medical examiners are usually given the statutory responsibility of drawing conclusions as to the "cause and manner" of death, the conclusion as to "manner" of death is not necessarily admissible in a criminal prosecution. Assuming the medical examiner is properly qualified as an expert, there is no dispute that cause of death testimony based on an autopsy is ordinarily admissible because that is obviously a medical opinion based on medical examination; however, should trial judges as gatekeepers of the admissibility of scientific evidence permit medical examiners to go beyond their medical expertise and draw conclusions about the manner in which cause of death came about, based on information from the police or from a non-medical investigation? In this presentation, judges and a medical examiner will openly discuss this current topic.

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