



H43 A Fatal Accidental Gunshot Wound During a Pursuit by Law Enforcement

Tiffany O'Neill, DO, 1 Medical Center Boulevard, Winston-Salem, NC 27157; and Patrick E. Lantz, MD, WFU School of Medicine, Dept of Pathology, Medical Center Boulevard, Winston-Salem, NC 27157-1072*

After attending this presentation, attendees will better understand the importance of the examination of clothing and firearms in cases in which autopsy findings do not correlate with the stated circumstances.

This presentation will impact the forensic science community by highlighting the need to carefully examine the decedent's clothing and firearm(s) when the autopsy findings do not support the initial investigative scenario.

According to the Centers for Disease Control and Prevention in 2014 there were 33,599 firearm-related fatalities in the United States. Of these deaths, 586 were unintentional, 270 were undetermined, and 32,743 were violence related. Violence-related fatalities were further broken down by homicide/legal intervention (11,409 deaths) and suicide (21,334 deaths).

Unintentional firearm discharges can happen in several situations. The major method of accidental or negligent firearm discharge is by inadvertently pulling the trigger. Many people who are not properly trained may place their fingers on the trigger instead of along the side/frame of the gun. Accidental discharges can occur with some weapons if the loaded weapon is dropped. Accidental discharges when a gun was dropped have been reported in single-action revolvers, old or cheaply made double-action revolvers, derringers, striker-operated semi-automatics, and certain external hammer semi-automatics.

Case Report: A 28-year-old man was a passenger in a vehicle that was stopped by law enforcement personnel. The man exited the vehicle and ran. While running up an embankment, both the man and the pursuing police officer fell. The police officer heard a gun discharge. He temporarily retreated and waited for back-up assistance. The man got back up and continued to run for about 75 yards, then collapsed. A .40 caliber Taurus PT-140 semi-automatic handgun was discovered in some weeds approximately ten yards away. The man had a gunshot wound to his left leg and was transported emergently to the hospital. He was taken to surgery where the surgical team attempted to repair his femoral artery, but he died in the operating room due to acute blood loss.

At autopsy, the detectives believed that the decedent had been running with a gun in his pants when it discharged because they described a gunshot defect in his pants below the left front pocket and a corresponding defect in his underwear. His clothing was not available for examination at the time of the autopsy, but the detectives furnished images of the clothing that revealed the two defects in his pants and underwear. A surgical incision was on the decedent's left medial thigh and a circular gunshot wound with circumferential marginal abrasion was on his left lateral thigh corresponding to the defects in the clothing. Re-approximation of the surgical incision revealed an irregular edge along the surgical incision's border. No soot or stippling was on the skin around either wound. Radiographs did not disclose a bullet or bullet fragments; no projectile was found at autopsy. Because the wounds on the body did not support the detectives' account of the incident, the clothing was retrieved at a later date and carefully examined. The subsequent examination of the clothing revealed additional holes in the underwear and pants indicating the gunshot wound entrance was on the lateral thigh and the corresponding exit was on the medial thigh — reversed from the initial interpretation. No gunpowder particles were visible on the pants or underwear.

It was unclear how the firearm discharged causing the fatal wound until further investigation revealed that the Taurus PT-140 is one of the Taurus models that have been recalled because of a design defect that permits the gun



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to discharge when dropped. This case emphasizes the challenges that can arise when initial accounts do not match findings at autopsy. Gunshot wound fatalities with law enforcement presence must be meticulously scrutinized to avoid mistakes in interpretation.

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