



D31 Forensic Confrontation in the Engineering Sciences: An International Murder Prosecution Involving American Embassy Military Personnel

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After attending this presentation, attendees will understand the principal phases of a military court-martial, the critical role of forensic engineering evidence in the pre-trial stages of the case, and their use as “back-stops” to alternative theories.

This presentation will impact the forensic science community by explaining the relationship between the forensic engineer, the military prosecutor, and the expert’s ability to inform the military judge or jury.

The Uniform Code of Military Justice (UCMJ) is divided into three phases: pre-trial, trial on the merits, and sentencing (if necessary).

In cases involving serious offenses, including death, two separate entities begin investigating: (1) the law enforcement community; and (2) the chain of command. When cases occur overseas, there is also usually a separate host-nation investigation. These multiple investigations are designed for different purposes and can sometimes be counter-productive. Additionally, there is no organic forensic examiner support in the military outside of a handful of experts. Thus, civilian forensic science experts are usually hired to perform services, often long after the “evidence” has been collected.

The primary goal of this presentation is to present a representative prosecution of a case under the UCMJ involving the death of a Panamanian citizen by a United States Army soldier. The victim’s body was discovered in the early morning hours on a Panamanian police training area where the officers were practicing small-arms marksmanship. The victim was the known girlfriend of the accused American soldier, who was receiving training that same day at that training area. The victim died of blunt force trauma. The defendant claimed that she jumped out of the truck and, when he stopped the vehicle, he failed to put it in park, causing it to roll back on top of her. The defendant provided few details and there was no evidence available to determine the location of the actual death. Attempts to collect digital or electronic evidence also failed.

The Panamanian government conducted an autopsy, but no X-rays were taken. At a later date, when the forensic expert was hired, the prosecution was unsuccessful in its efforts to exhume the body for radiographic examination.

At trial, the defense provided expert testimony related to the manner, cause, timing, and location of the death of the victim. The forensic expert hired by the United States Army was essential in challenging that testimony.

Driving, Fatal, Prosecution