



Case report

Homicide by hanging: A case report and its forensic-medical aspects



Fabio C. Monticelli*, Herwig Brandtner, Sebastian N. Kunz, Thomas Keller, Franz Neuhuber

IFFB für Gerichtsmedizin und Forensische Neuropsychiatrie, Paris Lodron Universität, Ignaz-Harrer-Str. 79, 5020 Salzburg, Austria

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ABSTRACT

We report a rare case of homicide by hanging. The postmortem examination resulted in a verdict of death by suicidal hanging and the Public Prosecutor's Office released the body for burial. After intervention by the relatives police investigations were resumed. Based on evidence impossible to reconcile with the results of the postmortem examination and requiring further clarification, an autopsy was ordered. The results of the postmortem could not be brought in line with a suicidal hanging and were further substantiated by DNA analysis. The scenario put forward by the defense claiming a secondary transfer of trace evidence onto the ligature and the victim's clothes was excluded because of the distribution pattern and the trace evidence ratio. The defendant was sentenced to 20 years of prison for homicide. The verdict was confirmed by the Supreme Court and commuted to 18 years.

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1. Introduction

According to the current relevant literature, case reports on homicides by hanging are relatively rare.^{1–10} They have to be distinguished from cases where the body has been hanged post-mortem, i.e. for the purpose of simulating a suicide. Some authors suggest a decreasing frequency when reporting on such cases,¹¹ and general forensic experience indicates that actually only a comparatively small number of such cases are submitted for forensic investigation. This assumption was confirmed by data from “Statistik Austria”. In view of the above, it is almost inevitable that physicians commissioned with the postmortem examination show decreased sensitivity, at least when confronted with a case of hanging, unless they are professionally involved with Forensic Medicine, have the relevant medico-legal experience or have participated in medico-legal training.¹² In addition, based on the authors' own experience and the findings of Rothschild,¹² postmortem examination often display considerable shortcomings that may lead to serious misinterpretation.

However, an inquest in cases associated with hanging is generally considered to be quite difficult, since vital morphological

signs of a strangulation trauma on the one hand and indications of a possible homicidal event on the other hand are often very subtle or may even be lacking.^{2,13} To make matters worse, the vast majority of hangings can be attributed to suicidal acts, whereas accidental and especially homicidal hangings are quite rare. Based on this experience, the physician consulted may, at least inadvertently, develop some prejudice which in turn may lead to only superficial examination of the body and the surrounding evidence, such as the ligature including the knot and the point of suspension.

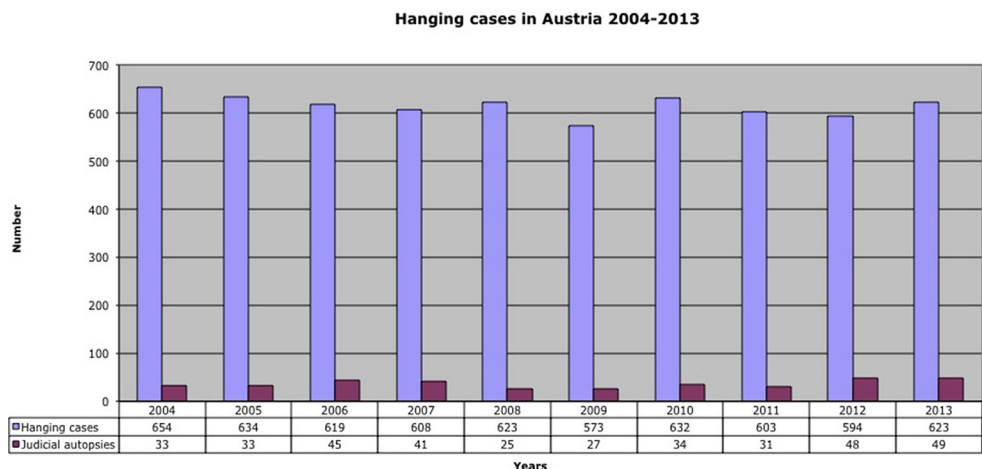
The incidence of homicide by hanging is widely discussed in the literature. Whereas Neugebauer in 1937 considered murder by hanging an “extreme rarity” that required a “great imbalance of power” between victim and offender,¹⁴ Mayne remarked only five years later that murder by hanging was “not at all uncommon” and that physical superiority was quite often replaced by intellectual superiority.¹⁵ Recent estimates suggest a ratio of homicide versus suicide of 1:1900,¹⁶ 1:1000² or even up to 1:100, taking into account a high number of unreported cases and at the same time a low autopsy rate.¹¹ Given the similarity of current conditions, these estimates seem to be applicable also to the present situation.

Based on the statistical data collected by “Statistik Austria”, the ratio of autopsies ordered by Austrian courts may be considered relatively low for the validation group of hanging cases, with a percentage between 4.01 and 8.08%. There have been no significant fluctuations within the past 10 years and no discernible tendency towards higher or lower ratios (Table 1).¹⁷ According to the recommendation No. R (99) 3 of the Council of Europe,¹⁸ autopsies

* Corresponding author. IFFB Forensic Medicine and Neuropsychiatrie, Paris Lodron University Salzburg, Ignaz Harrer Str. 79, 5020 Salzburg, Austria. Tel.: +43 662 8044 3808; fax: +43 662 8044 3821.

E-mail address: fabio.monticelli@sbg.ac.at (F.C. Monticelli).

Table 1
Ratio of autopsies (by court order) in the validation group of hanging cases (“Statistik Austria”).¹⁷



should be carried out in “all obvious or suspected unnatural deaths”, also including suicide or suspected suicide cases. Even though from the medico-legal perspective this would be ideal, for the prosecutor in Austria it is still mandatory to have at least hints of a third party involvement in the case to decide on autopsy. For this reason Austria does not follow the European recommendations, which have been established by the Council of Europe in 1999.

The following case report demonstrates that deaths by hanging may be difficult to assess. We will call particular attention to potential deficits observed in postmortem examination as well as to the significance and especially the scope of further examinations.

2. Case

A 26 year old woman was found dead in her apartment in the late afternoon hours, suspended from the external handle of the open bathroom door by the power cable of a hair straightener, in semi-recumbent position (Fig. 1).

The apartment was searched because the woman had not shown up for her late shift. Approximately 45 min after the body had been found, a general practitioner carried out the inquest and gave “strangulation by hanging” as cause of death. Since no concomitant injuries could be found, the Public Prosecutor saw no immediate need to order an autopsy and released the body for burial.

In the death certificate, the general practitioner stated that death had occurred a good 4 h before the inquest. In the evening of the same day, further investigations were initiated, after the mother of the deceased had vehemently expressed her doubts that her daughter had committed suicide. She also mentioned in this context, that in the last months before her death her daughter had increasingly closer contact with her ex-boyfriend, from whom she had separated a few years earlier.

The subsequent criminal investigation found two independent witnesses who had heard a loud dispute in the apartment of the victim, approximately around midnight in the night before the discovery of the body. A witness also reported a vehicle with a particularly loud exhaust system leaving the residential area around that time at great speed. According to the police protocol, further examination of the body by crime scene investigators

showed “basically no indication of further acts of violence or defensive wounds”, however “a few [...] spots of dry skin (small hematoma?) [...] next to the ligature mark require clarification”. Based on this new evidence, an official autopsy was finally ordered.

2.1. Autopsy findings

Four days after discovery of the body, an autopsy was performed on a young woman in good general and nutritional condition. No significant internal diseases could be discovered, which corresponded with the previous anamnestic information. After the

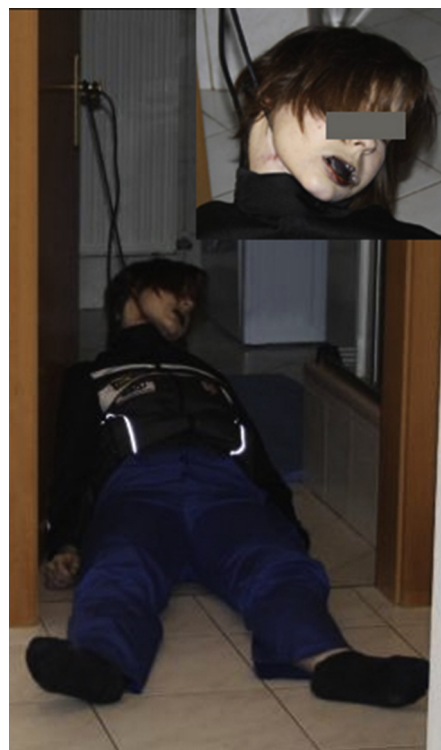


Fig. 1. Position of the victim at the crime scene.

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