

KONFERENCIJOS PRANEŠIMAI

RELINQUISHMENT OF A CRIMINAL EXAMINATION OF A BICYCLE WHEEL AS A MAIN PROOF IN A ASSESSING THE CIRCUMSTANCES OF INFLICTING SERIOUS BODILY INJURIES

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A 39 year-old man, under the influence of ethyl alcohol, committed a robbery and started to get away on his bicycle. The owner of the stolen goods started to run after the thief. The witnesses interrogated in this case give two different accounts of the incident. The representatives of the offender's family claim that the man who was running after the thief grabbed the bicycle knocked it over (together with the thief) and when the offender was lying on the ground started kicking him on his head and all over his body. Other witnesses of the incident state that the offender fell over on his bicycle because he had hit a kerb with his front wheel. As a result of his head injuries the offender died. In the autopsy the following was found out:

- Two head wounds in the hat line and below; the breaking of the skull base bone, under sclera hematoma, focuses of brain concussion,
- Two minor abrasions of the skin and bruises on the legs.

The man who was following the offender has been accused of causing death unintentionally by knocking the deceased over, which led up to his fatal injuries. In the course of legal proceedings the Jury, not finding enough evidence to find the accused guilty, acquitted the defendant. The relatives of the deceased appealed against the sentence. The appeal had been lodged with a higher tribunal. In the course of prosecution the experts from the Forensic Medicine Department in Wrocław had been asked to give their judicial – medical opinion in order to determine what circumstances led up to the fatal injuries of the deceased. As the results of the autopsy did not allow determining the above question explicitly (although they pointed to the fall as the more probable), the experts decided to use data from outside the judicial – medical field. Thus they examined the report of survey of the evidential bicycle. As the report was rather laconic, it did not throw much light on the matter; the only important information was that at the time of examination the front wheel was flat. At that point it became clear, that if it was assumed, according to the witnesses' testimony, that hitting the kerb with the front wheel led up to the deceased man's fall, the traces of such an impact

should be visible on the front wheel of the evidential bicycle. Additionally, those assumptions were supported by the police report, in which it was mentioned that the front wheel had been flat. The above findings led up to the suggestion to examine the evidential bicycle again, and its front wheel in particular. The police determined that although a lot of time had passed (2 years), the bicycle had not been used since the time of the incident and had been kept in the deceased's cellar.

After examining the front wheel of the evidential bicycle the following has been determined:

- The aluminium part of the wheel has not been damaged.
- The tyre on its right lateral surface shows a slotted fracture, 0,9 cm long, running slightly obliquely, but almost compatibly with the vector of the wheel rotation.
- On the lateral surface of the inner tube, on the right side, about 7 cm from the damaged part of the tyre in the direction of the wheel rotation while going forward, there is a linear sinuous burst. Next to the burst there is a tear. The burst is about 6,5 cm long, with two additional bursts going circumferentially.

A slotted fracture of the coating on the right-lateral surface of the tyre of the front wheel must have been caused by a stroke with a blunt (or a blunt-edged) tool, or from hitting such a tool, and could have been caused by the front wheel hitting the kerb.

Widespread, partially radiant burst of the inner tube of the front wheel was described. It was located outside the area of the tyre damage. The size and character of the burst suggested that the damage had been caused by high pressure. Such damage can appear when the pressure in the inner tube suddenly increases; for example it can take place when the wheel hits a hard tool – for instance a kerb.

The results of the survey of the evidential bicycle's front wheel correspond with the testimony of some witnesses, who claimed that the fall of the deceased was caused by hitting the kerb with the front wheel. Moreover, such an account of the incident agrees with the results of the autopsy, which revealed injuries of the head located practically below the hat line. Such injuries are characteristic for a fall, and not for being beaten. Additionally, the presence of only a few minor abrasions of the skin and bruises on the legs suggests a fall rather than beating and kicking the deceased. Therefore the experts assumed that it was not very probable that the injuries of the deceased were caused by the deceased being thrown off his bicycle and then beaten and kicked. On the contrary, they assumed that it was highly probable that the injuries were caused by a fall from the bicycle in the circumstances described above. The conclusions of the experts in this case finally led up to the accused being dismissed by the higher tribunal.

Conclusions

1. Traces and the evidence that may appear to be trivial at the beginning, can, in the course of evidential proceedings, become the most important ones.

2. In examining circumstances, in which an incident took place, not a single piece of evidence should be overlooked or neglected (including non-medical evidence).

3. "Non-medical" evidence does not always have to be used and assessed by experts from other specialities. In some instances general technical knowledge and experience are enough to evaluate and interpret such evidence without any help from experts from polytechnical fields.



Dviračio rato kriminalistinis tyrimas, kaip svarbiausias įrodymas, suteikęs galimybę nustatyti sunkių kūno sužalojimų atsiradimo aplinkybes

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SANTRAUKA

Pranešime nagrinėjamas kūno sužalojimų mechanizmas. Apsvaigęs nuo alkoholio 39 metų vyriškis įvykdė vagystę ir iš įvykio vietos bandė pabėgti dviračiu. Jį pradėjo vyti pavogtų daiktų savininkas. Byloje apklausti liudytojai pateikė dvi įvykio versijas. Dėl įvykio įtariamo asmens giminės teigė, kad persekiojantysis pavijo bėglį, pargriovė ir ėmė spardyti. Kiti liudytojai sakė, kad bėglys priekiniu ratu trenkėsi į šaligatvio bortelį ir nukrito nuo dviračio. Parengtinio tyrimo metu dviratis buvo apžiūrėtas paviršutiniškai. Tik po dvejų metų, atlikus išsamų dviračio tyrimą, gautą informaciją sulyginus du žuvusiojo kūno tyrimu, pavyko nustatyti, kad asmens žūties priežastis buvo griuvimas, o ne suspardymas.

