

The Staged Crime Scene

By Vernon J. Geberth, M.S., M.P.S.
Former Commander, Bronx Homicide, NYPD

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The purpose of this article is to alert investigators to the phenomena of *The Staged Crime Scene*.
Staging a scene
occurs when the perpetrator purposely alters the crime scene to mislead the authorities and/or
redirect the investigation.

Staging is a conscious criminal action on the part of an offender to thwart an investigation. The term "staging" should not be used to describe the actions of surviving family members who cover or redress a loved one, who is found nude or has died in an embarrassing situation. These activities are certainly understandable considering the shock experienced by a relative who encounters the sudden and violent death of a loved one. In my experience investigating suspicious deaths I have often times had a "gut" feeling that something was amiss. (Actually, that "gut" feeling is your subconscious reaction to the presentation, which should alert you to the possibility that, things are not always what they appear to be, consistent with equivocal death investigations).

Equivocal Death Investigations

Equivocal death investigations are those inquiries that are open to interpretation. There may be two or more meanings and the case may present as either a homicide or a suicide depending upon the circumstances. The facts are purposefully vague or misleading as in the case of a "staged crime scene." Or, the death is suspicious or questionable based upon what is presented to the authorities. The deaths may resemble homicides or suicides; accidents or naturals. They are open to interpretation pending further information of the facts, the victimology and the circumstances of the event.

In "staged crime scenes," however, the presentation of the homicide victim and the manipulation of the crime scene by a clever offender could make the death appear to be a suicide. I have personally investigated many such cases and the truth of the matter is that initially, the cases did look like suicides.

TYPES OF CRIME SCENE STAGING

1. The most common type of staging occurs when the perpetrator changes elements of the scene to make the death appear to be a suicide or accident in order to cover up a murder. (CASE HISTORIES Numbers 1, 2 & 3) 2. The second most common type of staging is when the perpetrator attempts to redirect the investigation by making the crime appear to be a sex-related homicide. (CASE

HISTORY Number 4 & 5)

EXAMPLES OF HOMICIDES MADE TO APPEAR TO BE A SUICIDE OR ACCIDENT

CASE HISTORY Number 1

I acted as a consultant in a wrongful death suit brought against an insurance company by surviving relatives of a male who allegedly had committed suicide. The insurance company had refused to pay the beneficiaries based on the police determination of suicide. My review of the crime scene photographs and circumstances of the death of this young man indicated that the young man had, in fact, not committed suicide. The authorities had been misled into believing the case was a suicide because the scene had been staged.

The victim was discovered lying on his back across his bed with a .308 rifle between his legs, suggesting that he had shot himself in the head with the weapon. There was a large amount of blood and brain matter found in the room where the deceased was discovered. His entire head was blown away. The victim's brain was found down the hallway from the room. The gun belonged to the deceased. There was ammunition for the gun found in the premises. There were two bullet holes in the roof of the victim's trailer, suggesting two shots having been fired and the police recovered two spent shell casings in the room. The police classified the death as suicide. A review of the police investigation revealed a perfunctory inquiry totaling a mere eight (8) pages of police reports. The police did not attempt to locate the fired rounds; they did not test or examine the firearm; there were no ballistics reports prepared; and there were no gunshot residue (GSR) testings done on the victim to ascertain whether or not he had fired the weapon and there was no attempt to reconstruct the event. The police did not process the crime scene for fingerprints nor did they ever conduct a background check or victimology. The autopsy was conducted by a hospital pathologist instead of a forensic pathologist, who couldn't even determine the location of the entrance wound.

However, these observations, without further police investigation into the facts surrounding the death and a reconstruction of the crime scene could be misleading. The investigative reality is that each factor must be brought to its ultimate conclusion. I believe that the authorities made the mistake of assuming that the death of the young man was suicide based on their preliminary observations of the crime scene and as a result subsequently failed to take each factor to its ultimate conclusion.

INVESTIGATIVE CONSIDERATIONS

My analysis of the facts indicated that the deceased had made both short and long term plans, which is not consistent with a person intending to commit suicide. During the week preceding his death, he had gone out with friends, had attended a birthday party for his sister and purchased groceries for the upcoming week. On Monday of the week he was killed he was at work. According to his supervisor, he was in good spirits. In addition he had even paid his union dues three months in advance. He was expecting a visit from a girl friend and was refurbishing his mobile home. He had built a new deck on the back, purchased paint and wallpaper, and had arranged with a neighbor to borrow tools to fix his kitchen cabinets. His long term plans included an application for a loan and a trip to Alabama to clear some property in the Fall. Interviews of the friends and relatives of the deceased were conducted which disclosed that certain property and money were missing from the deceased's trailer when he was discovered dead.

A number of persons stated that the deceased was known to keep at least \$1000.00 cash in his mobile home. According to the police report there was only \$2.50 found in the deceased's pockets. Also, according to another relative who had reconciled the deceased's accounts after the funeral, said the victim had made a withdrawal of \$200.00 cash from an ATM machine which was unaccounted for and missing from the trailer. A neighbor stopped by the trailer because of his suspicion "that something wasn't right. He observed that the deceased's car doors were unlocked and the keys were in the ignition. This was unusual behavior for the deceased. Later police would recover the deceased's empty wallet from the floor of the car.

The door to the trailer was unlocked and the stereo was blasting. The thermostat was set up as high as it could go. The deceased reportedly never had the thermostat above sixty- five. According to family members, the victim's radar detector which the deceased always kept on the sun visor in his car was missing, as were a pouch of tools from the rear seat. In addition, a gold calculator with the deceased's initials inscribed, which the victim had gotten as a gift for participating in a wedding, was missing from the trailer.

All of this information was provided to authorities. However, there was apparently no follow-up by the police into these important observations and suggestions of foul play.

Opinion

In my professional opinion as an expert in homicide and death investigations, the inquiry into the death of the deceased was perfunctory

and inadequate according to the recognized standards of professional death investigation. It was readily apparent that this particular crime scene had been staged and it was a reasonable assumption based upon the above facts that the deceased had not committed suicide.

CASE HISTORY Number 2

Police were summoned to a home of a woman, who reported that there had been a shooting. The victim, a male, white 26 years of age, was a friend of the woman. He had been watching the woman's children, while she went out drinking with a couple of other males. When the police arrived they observed the victim, sitting on the living room couch, with a gun cradled in his right hand. The victim's right thumb was inside the trigger guard. He had suffered a bullet wound to the left side of his nose and the exit wound was in the upper part of the back of the head. The magazine for the gun had been removed and the ejected shell casing was approximately six feet away from where the victim sat. An examination of the wound structure indicated that there was no stippling or soot on the wound nor was there any evidence of blow-back in the barrel of the gun.

The police were informed by the two males that the deceased had been "playing" with the gun, which belonged to one of the reporting males, and had accidentally shot himself in the face.

A uniform Lieutenant, who was in charge of the scene decided that there wasn't any need for detective response. His decision was based on an administrative policy which discouraged overtime. Rather than authorize overtime response for investigators, he had the case classified as an accidental shooting.

The next day, the homicide detectives reviewed the case and examined the crime scene photographs. Their opinion was that the circumstances as described by the reporting officer and witnesses were not consistent with the elements of the crime scene. They initiated an investigation and tested the suspected weapon, which revealed that the gun had to have been fired at least 42 inches away from the deceased's face. The discharged rounds did not eject, but had to be manually removed from the breech. Removing the magazine required both hands. Gunshot Residue Testing (GSR) testing of the deceased's hands proved negative.

The investigators re-interviewed the woman and the reporting witnesses. The males were confronted with the facts of the case as well as their inconsistent statements. It was learned that all of the parties had been drinking. A gun was pulled out by one of the males, who stated that the gun had accidentally discharged hitting the victim in the face. They had panicked and decided to make it appear that the deceased had shot

himself. After they staged the scene, they called the police and the ambulance. Both subjects were charged with Murder. They were indicted for Involuntary Manslaughter. The male, who had done the shooting pled guilty to Manslaughter and Weapon Possession, the other male pled guilty to Tampering with Evidence.

CASE HISTORY Number 3

I remember one case I responded to that had been initially reported to the police as a suicide. When I arrived at the scene, I observed the nude body of a young woman lying on the floor next to the tub in the bathroom. The tub was half full of water, and the body was still wet, as though it had been submerged. The husband, who was distraught and crying, stated to the police that he had found his wife submerged in the tub upon returning to the apartment. He had pulled the body from the tub and had attempted mouth-to-mouth resuscitation. He also added that his wife had been despondent and had probably committed suicide by taking an overdose of pills and drowning herself in the tub. Officers at the scene had recovered a prescription bottle next to the victim. The general condition of the scene and the statements of the husband seemed to indicate the possibility of suicide.

I examined the body and noticed a slight bruising in the neck area. The husband explained that upon finding his wife submerged in the tub he had attempted to resuscitate her and had held her by the throat to force air into her lungs. However, when I opened the eyelids of the deceased and examined the conjunctivae, I observed the presence of petechial hemorrhages, and was immediately convinced that the death was, in fact, homicidal and not suicidal, as the husband claimed.

Later on, we learned that the husband had been fighting with his wife and he strangled and killed her. In order to cover up his crime, he filled the tub with water, removed his wife's clothing, and placed her in the tub. He held her under the water to simulate the drowning and then removed her body and placed in on the floor next to the tub. In fact, he had even placed the half-empty bottle of pills next to her body to show to the responding police. The case was properly classified as homicide.

It should be noted that the autopsy would have readily revealed that the death was due to manual strangulation. However, the offender, who was looking to "buy time" certainly would have evoked his right to counsel the next day when confronted with the autopsy results.

The observation of petechial hemorrhages at the scene gave the investigators a head start on their murder investigation. They made further inquiries of the facts and circumstances at the scene and gathered

additional evidence. When the suspect was eventually confronted with this evidence, he made a full confession to the police.

CASE HISTORY Number 4: Example of a Homicide made to appear to be a Sex-Related Case

Police were summoned to a home by a frantic male who reported that he had been attacked by a man with a knife, who had killed his wife. When police arrived they were led into the house by the man, who showed them his wife's body in the basement. He indicated that he had also been injured and showed the officers some superficial cuts and puncture wounds on his body. The man was transferred to the Emergency Room of the local hospital for treatment. The crime scene extended from outside the house to the basement. The female victim, who had received multiple stab wounds was found lying on her back. Her pants had been ripped open and her panties had been pulled down to reveal her pubic area. Her sanitary napkin was pulled away and between her legs the crime scene officers retrieved an unused condom. The male had stated that he had surprised the intruder, when he had come home from jogging. The male showed the officers evidence of a burglary. The burglary consisted of items being tossed on the floor and perfume bottles being turned over on the dresser in the master bedroom. However, there wasn't anything missing.

Although the presentation of the female body in the crime scene suggested a sexual attack, the circumstances of the event as well as the inconsistent statements of the husband indicated this murder to be based on an interpersonal oriented dispute and assault scenario.

The husband was charged with his wife's murder based on the police investigation as well as the blood evidence and DNA testing.

CASE HISTORY Number 5

The police were summoned to an apartment, when friends of the deceased recounted that she had failed to report for work. Police entered the apartment and discovered the nude body of the 27 year-old victim lying on the bedroom floor. Her pants and panties had been pulled down and her blouse was in disarray. A hair brush had been inserted into her vagina. She had been beaten and strangled to death with a ligature, which was not present in the scene. A review of the crime scene indicated that some one had gone through the dresser drawers and closets suggesting a burglary. The victim's clothes were found scattered across the floor and the contents of the drawers were spilled out on the bed. There wasn't any forced entry, suggesting the victim had allowed the person into her apartment.

A check into the victimology indicated that the young woman was a

divorcee, who had left an abusive marriage. She had enrolled in a nursing program and had recently received her nurse certification. She had been dating since her divorce but did not have a steady boyfriend. The police investigation indicated that the crime scene had been staged to suggest a burglary. However, nothing of value was missing. There wasn't any sexual assault. However, the insertion of the hair brush into her vagina certainly indicated an anger and rage consistent with an interpersonal oriented dispute and assault. The former husband emerged as the most promising suspect after the detectives were able to break his alibi. He had convinced his current girlfriend to provide him with an alibi. He had gone to his former wife's apartment in an attempt to reconcile with her. When she refused his entreaty, he killed her in anger. He left the apartment and returned 24 hours later. At that time he placed the hair brush into her vagina and staged the crime scene to make it appear that a burglar had entered the location, sexually attacked the young woman and then ransacked the apartment.

CONCLUSION

The death investigator needs to be cognizant of the possibility that a crime scene may in fact be staged to mislead the authorities and/or redirect the investigation. In the author's experience and travels as a homicide and forensic consultant, he has encountered a number of these incidents in various jurisdictions across the United States. These events seem to be on the increase as people learn more about the process of death investigation through the media, true crime books, television mystery shows and movies.

INVESTIGATIVE STRATEGIES

Take each factor to its ultimate conclusion.

1. Assess the victimology of the deceased.
2. Evaluate the type of injuries and wounds of the victim in connection with the type of weapon employed.
3. Conduct the necessary forensic examinations to establish and ascertain the facts of the case.
4. Conduct an examination of the weapon(s) for latent evidence as well as ballistics and testing of firearms.
5. Evaluate the behavior(s) of the victim and suspects.
6. Establish a profile of the victim through interviews of friends and relatives.
7. Reconstruct and evaluate the event.

8. Compare investigative findings with the medicolegal autopsy and confer with the medical examiner.
9. Corroborate statements with evidential facts.
10. Conduct and process all death investigations as if they were homicide cases.

Intent Behind the Bullet

By D.H. Garrison, Jr.

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Just because a shot was fired, and just because someone was injured or died as a result of the shooting, and just because a shooting reconstruction was completed...this does not mean that the expert can render an opinion about the intent behind the bullet thus fired.

While many an attorney, whether prosecution or defense, wants to "prove" the intent or lack thereof to a jury, and sometimes tries to use an expert witness to accomplish that end, this does not mean that the shooting reconstruction expert has any scientific basis whatsoever to state an opinion as to what was or was not the intention of the shooter at the moment of the shooting. Intent, after all, is usually an "ultimate issue" and, thus, the purview of the jury, the finders of fact, and cannot properly be addressed by the expert.[1]

Only psychiatrists and psychologists, those paragons of consistently precise opinion and sound experimental scientific integrity, are capable of tackling the issue of intent, often termed "the ability or lack thereof to form the specific intent to commit the crime in question" or words to that effect. And what person endowed with scientific thought would want to wade into the quagmire of psychiatric expert testimony anyway?

In shooting reconstruction, as with all reconstruction, the practitioner's work tries to answer the questions, What happened? and How did it happen? This might be modified somewhat, during an attorney's hypothetical question, to What may have happened? and How may it have happened? What attorneys seldom understand about reconstructionists is that they might not know what happened or may have happened or how, but they can often tell you in an instant WHAT DIDN'T HAPPEN. What reconstructionists cannot answer is WHY? This is the job of the jury.

*"I think that reenactment showed that he had an intent to kill."
- District Attorney John Posey[2]*

Frequently, attorneys try to bolster their cases for or against an alleged intent matter by disguising a question to an expert as something vaguely science-like in nature. Such a question might look like this: "Mr. Johnson, based on your expertise and your years of experience both with firearms and ammunition, and knowing the velocity in feet-per-second of the shot Mr. Defendant fired at his deceased wife in the hallway of their home, and knowing the distance from the casing found at the scene and the point where Mrs. Defendant fell dead, could you give

us an opinion as to whether a shooter in the doorway at the east end of the hall could reasonably expect (read "intend") to miss his wife, firing it as he obviously did?" The answer, of course, is "No" or "Huh?", depending on how foolish you want the attorney to look.

Criminal prosecutors will call a firearm a "weapon," while defense attorneys will call it a "gun." When prosecutors talk about the defendant "aiming" and "firing" the weapon, defense attorneys respond with phrases like "where the barrel was pointing when the gun went off." The former will say "finger on the trigger," while the latter speak of "finger in the area of the trigger guard," and plaintiff attorneys suing gun manufacturers say "inadvertent physical movement in proximity to the negligently designed and defective trigger mechanism." All of these advocates have a vested interest in their choice of words (hence the term "mouthpiece"), which emerges in the wording of their courtroom questions to you. Just as you wouldn't allow attorneys to refer to a cartridge as a "bullet," you should not let them confuse an action with an intent or a gunshot wound with a bull's-eye.

Intent questions are often heavily draped in the sacramental robes of scientific jargon. At times they even sound reasonable in that they almost seem to appeal to one's common sense, as in: "Do you expect us to believe that the weapon discharged accidentally with Mr. Defendant not meaning to shoot his wife?" Well, yes and no. No one but the shooter, and often not even he, knows his true intent. And the reason we're all in court, of course, is so the jurors can try to determine the shooter's intent. But people who investigate shootings for a living are not in the intent business and should be particularly wary of those cleverly disguised questions, whether they come from an attorney "on your side" or an "opposing counsel."

*"[The Expert] agreed under cross-examination last Wednesday that he was not testifying that either of the officers was aiming at Lawson's head when they fired six shots at the car after Lawson tried to run them down."
- The Toronto Star[3]*

Of course, we've all faced the cross-examiner with the "Isn't it possible..." series of questions that's meant to end with a flustered witness wearily admitting that, "Yes, anything's possible." Attorneys slip intent questions into the dark corners of such Q&A marathons. Such as, "Isn't it possible that Mr. Defendant intended to fire a warning shot into his Siamese cat just to scare his wife?" The answer to this one is, "Yes, and it's possible that if his wife had been in Cleveland at the time, she wouldn't have gotten shot."

Most of the time an alert opposing attorney will leap to his feet when an improper intent question is posed. Sometimes, after a lunch hour, when the judge is napping and the jurors are nodding off, a lawyer will try to slide by a question of intent to the shooting reconstructionist on the witness stand. This is the time to ask for a repeat of the question or a clarification to highlight the words "intended" or "meant to" or "expected." If this doesn't work, it's time to proudly disavow any knowledge whatsoever of anybody's intentions, expectations, or what they meant to do or not do or might have not meant to do, etc. The easiest way to do this is to say, "I don't know what the shooter intended." If you don't, you can soon expect the other attorney to ask something like, "You don't know what was intended, you weren't there, were you?"

Q: So you can't--again, it's just your opinion as to where the bullet or where the defect or whatever it was in the---that was in---that actually was in the paint, you can't tell whether that would have hit anybody or was intended to hit anybody?

A: No, I can't determine any intent behind a bullet.
- Annie King, GRPD[4]

Naturally you have formed private opinions about the intent of shooters in cases you've investigated, but you didn't (or shouldn't have been allowed to) stand up in court and declare these judgments aloud. Such opinions have no place in your testimony. Let the attorneys get into "what the shooter really meant to do" during their closing arguments. This is why judges frequently admonish jurors that "the arguments of the attorneys do not constitute evidence."

After all, we don't really know what the shooter meant to do, we couldn't. That's for a jury to answer: it's called a verdict. If you look over at the accused shooter sitting with his lawyer, you probably wouldn't want to look inside his mind anyway, much less claim any scientific certainty about what you think that he intended.

Just because someone got shot and you did your job investigating it and you're here and the accused is there, it doesn't mean that you know what he meant to do. . .no matter who asks the question.

Notes

1. Moenssens, A., Moses, R., and Inbau, F., *Scientific Evidence in Criminal Cases*, Foundation Press: NY, 1973, p. 17.
2. Posey, J., Marin County (California) District Attorney, "Scene of the Crime," 48 Hours: Hard Evidence, CBS television, producer Rita Braver, May 13, 1992.
3. Crook, F., "Crown Ends Case at Officers' Trial," *The Toronto Star*, March 14, 1992, p. A-18.
4. King, A., Grand Rapids (Michigan) Police Department Crime Scene Technician, 61st District Court transcript, *MI v May*, July 1992, p. 15.