

The Development of an Alternative Crime Scene Reconstruction

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The reconstruction of events at a crime scene is a critical component of the case against a criminal defendant. Often defense council's review of the reconstruction is limited to an assessment of the a crime scene reconstruction effort documented within reports of investigation, crime scene photographs or video long after the crime scene has been released. The development of a systematic approach to establish an analytical review of the reconstruction and the development of an alternative sequence of events can be critical in the defense of the accused.

A review of the crime scene investigation, reconstruction and physical evidence analysis can provide valuable information to support an alternative scenario that makes equally as much or more sense than the currently proposed reconstruction. Listed below is a brief overview of an approach to review a reconstruction and develop an alternative sequence of events.

1. Review all reports of investigation, crime scene photographs, autopsy report and interviews to determine if an alternative sequence of events is possible.
2. Determine if additional physical evidence or other significant information exists that was not considered in the reconstruction. Analysis of physical evidence may not have been considered if the reconstruction was completed and report authored in a short time frame after the scene investigation was completed. Example: Stains considered to be a significant bloodstain pattern which determined the victim's location within the crime scene at the time of injury were not blood at all.

3. Determine if all relative physical evidence was collected and analyzed. This analysis must be completed and results known prior to the development of an alternative crime scene reconstruction.
4. If additional tests or analysis that could be critical for support of your case hasn't been completed or requested have it done. Additional evidence can be developed that often will create a discrepancy within the currently established version of the chain of events. Example: If the distance between the defendant and victim at the time of discharge of a firearm was not established, a proximity test may have value. The crime scene photographs depict a distance of several feet between the defendant and victim at the time of a weapon's discharge. However a proximity test indicted that victim was within an arm's length of the defendant when shot.
5. If the scene or location of the incident is accessible view it as soon as possible. Often crime scene photographs cannot convey the spacial limitations within an area where an incident occurred. This can be a critical consideration in the development of a reconstruction of events. Example: Review all crime scene photographs taken of items of physical evidence to look for displacement or movement of the items during the scene investigation. Photographs of an expended casing taken by three different investigators over the time span of the crime scene investigation show the casing in three different locations prior to it being documented and seized as evidence.
6. Use the opposition's own words to support your position by quoting their statements in your alternative reconstruction report. Select and quote statements from their documents in your reconstruction analysis that support an alternative chain of events or physical position of the victim and or defendant during the incident. This can identify possible alternative scenarios which were not considered during the reconstruction.
7. Support your alterative reconstruction with written reports which includes photographs and animation. Animations can be still figure with an actual crime scene photo added as the background, fully animated movies or photo documented reenactment which supports your reconstruction through physical evidence visible at the crime scene. Computer animation programs such as Poser or diagramming software can be used to present a graphic display of your alternative reconstruction of events during plea negotiation or ultimately to the Court during trial.