



## Summary of Findings

In this case, I was retained by the defense to assist in determining causality. The defendant was being charged with GBI alongside of a co-defendant. I was able to determine the injuries sustained were most consistent with the actions of the co-defendant. A review of the witness statements revealed a loss of consciousness that marked the time at which the concussion and scalp laceration most likely occurred. **In GBI cases I often find that there are nuances in the medical records or witness statements that make a significant difference in the causality or mechanism of the injury.**

## Case Study: Two Defendants, One GBI injury....Who did it?

*All names have been changed*

Mr. Franklin, the defendant and Mr. Ochoa, the co-defendant, were involved in a physical altercation with Mr. Kennedy, the complaining witness.

According to the witness reports, the sequence of events are as follows:

- 1) Mr. Franklin swung and "grazed" Mr. Kennedy's chin.
- 2) Mr. Kennedy then punched Mr. Franklin
- 3) Mr. Franklin pushed Mr. Kennedy to the ground. Mr. Kennedy hit his head when he fell.
- 4) Mr. Kennedy got up and punched Mr. Ochoa.
- 5) Mr. Ochoa punched Mr. Kennedy, who fell once again
- 6) Mr. Ochoa got on top of Mr. Kennedy and punched him several times.
- 7) Mr. Ochoa and Mr. Franklin left the scene while Mr. Kennedy remained unconscious on the ground.

### Concussion

According to the witness statements, Mr. Kennedy got up immediately after being pushed to the ground the first time by Mr. Franklin and did not get up after being pushed to the ground and punched by Mr. Ochoa. **Therefore, I opined that the loss of consciousness, and therefore the concussion, were a result of the assault by Mr. Ochoa.**

### Facial Lacerations

**It was my opinion that the facial lacerations were most likely to have been a result of the assault by Mr. Ochoa.** The witness indicated that Mr. Franklin's punch grazed Mr. Kennedy's chin, making it unlikely to cause a laceration by his eye.

### Scalp Laceration

It is possible that the laceration to Mr. Kennedy's scalp resulted from either the first fall or the second fall. The second fall resulted in a more severe injury as indicated by the loss of consciousness; a more severe injury is also more likely to cause an open wound. **Therefore, the second fall was most likely to have caused the laceration to the scalp; but it is impossible to say for certain.**