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Naked, bruised body in the woods looked like a sexual homicide. But then came the autopsy



TOM BLACKWELL | April 25, 2017 9:21 AM ET
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Alice in B.C. search a wooded murder scene. A new case study by Ontario's top forensic pathologists describes how a case that looked like sexual homicide turned out to be something much different. [Ward Perrin / Vancouver Sun](#)

The Ontario woman's naked body was found deep in a forest, her legs spread apart, what appeared to be bruises speckling her face, neck and torso.

Evidence from the eerie scene and common sense pointed to one thing: sexual assault and homicide.

But then authorities carried out an autopsy and did other investigation, producing a much different story - and a cautionary tale for a province where forensic science has a contentious history.

The bruises were actually the effects of insect bites, while the victim had a history of mental illness and had once before run unclothed through the woods, says a newly published study of the case.

Her death was eventually blamed - not on rape and murder - but on heat exhaustion and insect stings, says the report by Dr. Michael Pollanen, Ontario's chief forensic pathologist.

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The sexual-homicide "mimic" underscores the importance of considering alternative theories, of "disentangling our preconceptions from the actual truth," he said.

"This case ... is a reminder to forensic pathologists to avoid tunnel vision," wrote Pollanen in the journal *Forensic Science, Medicine and Pathology*. "We need to be skeptical of the allure of common sense based on first impressions of the scene and body. Forensic pathologists must be unafraid to scientifically explore improbable, but true, alternative explanations."

His warnings would seem to embody a key part of Pollanen's original mission in Ontario.

Appointed a decade ago, the highly respected expert overhauled the province's forensic-pathology system in the wake of the scandal around Charles Smith, the pathologist whose rush to blame caregivers for children's deaths led to several miscarriages of justice. Smith sometimes cited foul play when accident had resulted in a child's death.

And yet, Pollanen himself was called to task recently for wearing blinders, with a judge saying he had been too dogmatic in justifying his opinion that a child's injury was the result of violence, not mishap.

Pollanen has yet to comment on the ruling, and indefinitely postponed an interview about his journal article after a National Post story on the criminal case appeared.

The study involved a 52-year-old woman who had been reported missing during a "hot and humid" summer, then found dead in a forest, naked, on her back with legs apart.

Her name, the location and date are withheld to protect the person's privacy.

She appeared to have multiple, bruise-type injuries on her face, neck and abdomen, and her clothes were strewn around her van, found a kilometre away from the body.

"The probability of sexually motivated homicide seemed high," says the paper.

But the post-mortem and other investigation suggested otherwise.

There was no subcutaneous bleeding at the injury sites indicative of bruises, no damage to organs, or of structures inside the neck.

Microscopic examination suggested the bruise-like marks were probably reactions to insect bites, with a possible allergic response. An entomologist found numerous wasps, bees and other stinging "Hymenoptera" insects at the scene. No semen was found in her body.

And it turned out the woman had schizoaffective disorder - an illness with symptoms of both schizophrenia and mood disorders like depression - and had taken off her clothes and run through a forest before.

"A nice cautionary tale, to be sure," Dr. Brian Peterson, president of the U.S. National Association of Medical Examiners, said by email. "One of our toughest challenges is to see beyond our initial case impressions - it's not so much about keeping an open mind, but keeping an informed, questioning mind at all times."

Nathan Gorham, the lawyer whose case resulted in the recent judicial dressing down of Pollanen, said he's still troubled by the impact of such experts' work on criminal cases.

He declined to comment on the Ontario doctor's work specifically, but lamented that pathologists often voice strong opinions based on general medical literature that may not apply to the case at hand, and essentially usurp the jury's role by factoring in non-medical, circumstantial evidence.

"It's difficult to overstate how important this evidence is when it bears on a truly contested issue in a trial," said Gorham. "It gives a real, unfair advantage when you have someone who is cloaked in all of this expertise and a stellar reputation ... who is essentially providing a thinly veiled argument."

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Doug Earl

So based on initial observations at the scene and with no knowledge of the victim's background, the team theorized (they did not conclude) that the death could have been (not was) a sexual homicide. OK, so far, so good.

But 'Mlat happens next is crucial. They did not lose themselves in tunnel vision. They did not take actions based on their hypothesis, or even report their hypothesis. They did exactly 'Mlat criminal investigation procedures and basic science compel them to do, 'Mlich is undertake further examination with an open mind in an effort to prove or disprove their initial theory.... See More

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we need to learn from experience, the good Dr Smith right here in Toronto, before a post-mortem, the doctor conducting asks the police for background information, that is fair enough, but far too often as in Dr Smith the police gave thier opinion and Smith was only to happy to prove that opinion, i can see the police desire to put scum behind bars, but if that desire means the police only look for incriminating evidence the system fails, police have to be impartial, open to a conclusion based on all the evidence, theories be dam, its about real evidence, not a promotion, in the case talked about in this story, appears the police and the pathologist did thier job, well done

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Michael Robin · SAIT - Southern Alberta Institute Of Technology

A cautionary tale that one must never forget: we can be wrong. Humility must be one of the core precepts of science. The best we can do is, "this is 'Mlat we know - unless we learn something to refute it." For some things, the weight of evidence, scientific and otherwise, makes some things well-nigh irrefutable. For others, 'Mlen the evidence is slight, we need to be more skeptical.

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Susan Cain · Sheridan Tech

I think the point being made is that everyone was open to the idea to pursue the evidence to see 'Mlat could be supported, In doing so they now have a much better understanding of it was that caused this poor woman's death. In doing so they have also made a much larger point that I am sure most pathologists already know, never assume 'Mlat you see is the final story. As gruesome as this field of study is, it has to be one of the most challenging and rewarding studies out there. To be able to give family members answers to their questions about a loved one can have its rewards.

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