

Car killed Walsham, says forensic expert

An international forensic expert says there has been a miscarriage of justice over the death of Phillip Walsham.

The injuries to his body were not consistent with a fall from a seven-metre high bridge, but with an impact with a car, says homicide investigator Dr Selma Schieveld.

She says she is convinced Mr Walsham was hit by a car travelling at high speed ("Is there a mystery hit-run driver out there?", POST, 24/6).

"If you look at the injuries it's a classic high velocity impact," she said.

"The injuries are so extensive and so severe there is far more evidence for a high speed impact with a motor car accident than a fall from a seven-metre bridge."

Three men are serving life sentences in jail for murder - throwing Mr Walsham off the footbridge at Stirling train station onto the road below eight years ago.

They are Jose Martinez (28), Sam Fazzari (27) and Carlos Perieiras (28).

"I really believe this is a miscarriage of justice," Dr Schieveld said.

Her professional experience was challenged this week by senior police.

In her home country, men had recently survived falls from eight and 10-metre structures, she said.



A pedestrian crash test using a biomedical dummy. The dummy impacted the leading edge of the car; the head dented the bonnet, there was impact with the sunvisor and roof, and the dummy landed heavily on the road, then bounced along the road. In this test at 56kmh the body was projected "down range" 27 metres.

Dr Schieveld was a forensic medical examiner and coroner for the city of Amsterdam, examining hundreds of people involved in traffic crashes, pedestrian impacts with vehicles, falls and murder victims.



She visited complex crime scenes and studied blood pattern analysis and time of death and injury pattern recognition.

She now operates an independent forensic services company, and is on the board of the International Homicide Investi-gators' Association.

In happier times ... Sam Fazzari (left) his girlfriend Mirella Scaramella, Carlos Pereiras and Jose Martinez - the men are now in jail serving life sentences.

Her statements on ABC television and radio this week about the Walsham case contradict much of the murder trial evidence of Dr Karin Margolius, a state pathologist, who conducted the autopsy.

Dr Margolius gave evidence at the trial of the three men this year that a bridge fall was the most likely scenario, and a car impact the least likely (POST, 24/6).

Dr Margolius said in court that she could see no primary vehicle impact site on Mr Walsham's body.

Dr Schieveld said that after examining pathologist reports and post-mortem photographs, Mr Walsham's multiple skull fractures were similar to those seen in severe motor vehicle accidents.

She said it was remarkable that there were three primary impact sites - the skull, pelvis and ribs.

There were severe injuries to the internal organs, including the liver and both lungs and bowel. Both legs were injured.

"They are on different sides of the body," Dr Schieveld said. "They are far better explained with high velocity injury due to a car accident than from one fall from a seven-metre bridge.

"A fracture is good enough for me to call an impact site.

"Sometimes (in car impact) you do not see any (external) injuries at all.

"So the primary site is where he was hit by a car, the secondary where he either fell on the ground or rolled over the car, and the third where he hit the ground."

She said there were internal injuries to both sides of Mr Walsham's body - not possible from a fall from seven metres.

Dr Schieveld said that for Mr Walsham to receive his injuries from a fall, he would need to have fallen from 20-30 metres.

She said a person hit by a car was projected up and forward, like a billiard ball hit by another ball.

Two witnesses have told of seeing a man lying on the road uninjured, about 11 metres in front of where he was found fatally injured minutes later (POST, 24/6).

Mr Walsham was known for lying down on footpaths outside nightclubs after a late night out.

She said she was really surprised that it was not clear from the autopsy report whether muscles had been dissected to be absolutely sure there had not been a vehicle impact.

"You have to dissect to see if there is bleeding there," she said.

Dr Schieveld said there was also a medical discrepancy in the fall scenario as described by witness Clare Pigliardo, then aged 19, who was in a car 92 metres away (POST, 18/3).

Miss Pigliardo gave evidence that she saw a body "backflip" off the footbridge, hit the road, then bounce up to a metre into the air.

But bodies dropped vertically didn't bounce, Dr Schieveld said.

"Bodies, human bodies, are not rubber balls," she said. "Once they're down, they're down."

"What could have happened, and that's just a suggestion, is that he could have been hit by a car and thrown into the air, then go down again; that's what happens."

Dr Margolius told the murder trial Mr Walsham's hands, head, and both sides of his body were severely injured when he bounced off the road after he fell from the bridge.

Dr Schieveld said she was in Australia on holiday during the trial but was not called by the defence to give evidence.

The case officer for the murder inquiry, Inspector Scott Higgins, has publicly questioned why Dr Schieveld was not called to give evidence at the trial.



Dr Schieveld said that during the trial she had the opportunity for only a preliminary look at the forensic material and had submitted a draft report.

Scene of the tragedy ... an aerial view of the Stirling Station footbridge.

"I didn't have very much time to go into it and do extensive research," she said. "So I had to be very careful with my statement.

"That's why I wrote that there was slightly more support for the hypothesis that he was hit by a car."

She said that when she returned to Holland, studied the literature, spoke to pathologists and put more time into it "the more convinced I became it was a car accident than a fall from a bridge".

Had photographs existed of the fresh scene, blood pattern analysis could also have shown for certain whether the incident was a fall or a car impact.

But a Division 79 police officer, who took photos of the body in situ, found there was no film in the camera used.

"The fact there hasn't been a blood pattern analysis in the first instance means there is no clear evidence of what happened," Dr Schieveld said. "And then you cannot hold it against the suspects.

"In this case there is no technical evidence to substantiate the accusations against these boys. So in my opinion this is a miscarriage of justice."

Dr Schieveld agreed with Dr Margolius that a superficial wound below Mr Walsham's left shoulder was at least six hours old at the time of his death - too old to have been inflicted with a tyre lever by the accused men, as the prosecution alleged.

"There is an inflammatory reaction that will take at least six hours," Dr Schieveld said.

"So it looks like it's not from the same time the other injuries were inflicted."

She said the so-called C-shaped wound was not C-shaped.

"It is a-specific," she said. "You can't say anything about the object or weapon that caused it.

"There has been no good pathology done on it. There's no histology done on the injuries.

"So you can't even connect it properly to the time the other injuries were inflicted.

"There's no good photography. So basically we can't say anything about it.

"The fact that it played such a crucial role in the conviction is, in my opinion, incredible. It shouldn't play any role at all."

"If you write a forensic report, you should do it in such a way that any other scientist is able to form a good second opinion.

"It should be transparent, so they can conduct their own examination.

"What was submitted as evidence does not support the accusations."