

# Was Walsham hit by passing car?

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By Bret Christian

New evidence about what happened to Phillip Walsham the night he died was not heard by the Court of Criminal Appeal this week.

Leading United States pathologist Daniel Spitz examined autopsy reports and photographs of Mr Walsham's body after last year's trial of the three men.

He concluded that Mr Walsham's injuries were consistent with him being side-swiped by a car.

He also said that most of his injuries were consistent with a fall from a seven-metre high bridge.

No pathologist who has studied the case believes that both things happened to Mr Walsham.

Dr Spitz said Mr Walsham's broken pelvis, internal injuries, fractured skull and deeply cut hand were characteristic of a side-swipe by a car.

On two points his report differed from evidence given in court by Perth pathologist Karin Margolius, who told last year's trial Mr Walsham had most likely fallen from the bridge.

Ms Margolius said Mr Walsham's skin had none of the characteristic "brush-burn" marks associated with a pedestrian being hit by a car.

She also said the hand injuries were likely to be caused by Mr Walsham's arms flailing about when his body bounced on the road.

An eyewitness, Clare Pigliardo, said she had seen Mr Walsham's body bounce at least a metre off the road after it fell from the bridge.

She said its movement was not caused by it being hit by a car she saw passing under the bridge at the time.

Dr Spitz's report said bodies do not bounce after a fall.

His report also said that photos of Mr Walsham's skin did show brush-burn marks.

The judges refused to hear his evidence by videolink from the United States, saying they would publish their reasons later.

During preliminary court discussions about his evidence, judges expressed concern that Dr Spitz's opinions did not constitute fresh evidence under the law because they would have been available at the time of trial.