

Skull fracture likely caused by fall, pathologist testifies

BY LISA QUEEN
Staff Writer

The skull fracture that put a York Region teen in a coma 15 months ago was most likely caused by a fall on to a hard surface rather than an assault, a forensic pathologist testified yesterday.

Dr. James Ferris said he is confident that a punch did not cause the depressed fracture suffered by the 15-year-old on June 29, 1999.

While a kick could have caused the injury, Ferris said a victim would most certainly have suffered lacerations and bruising to the skin surrounding the wound.

While there was minor bruising on the teen's head, Ferris said the "connundrum" of this case is explaining the lack of visible external injuries around the wound.

Ferris said the lack of lacerations and bruising points more to the injury being caused by a fall on a hard, flat surface than by a beating. The minor bruising on the teen's head could have been caused if the impact surface had an uneven texture, such as gravel or rough concrete.

Ferris was the first defence witness in the trial of three youths charged with aggravated assault in connection with the teen's beating.

The youths have pleaded not guilty.

Under the Young Offenders Act, the accused, the victim

and witnesses cannot be identified.

Two friends of the victim testified last week that the three buddies agreed to say the teen suffered his injuries after falling while walking in a park.

It was only after the teen fell into a deep coma that the friends said they had lied.

Instead, they said the victim had been beaten by a group of older youths who believed the teen wrote racist slurs on the walls of a park washroom.

According to evidence presented in court during the last three weeks, five youths jumped into a car and chased the teen.

Less than a block from the park, they saw the boy who gave the youths the finger.

They jumped out of the car and caught up with the teen between two houses.

Witnesses said one of the accused "sucker-punched" the teen three times.

Another youth kicked the boy as he lay in the fetal position with his arms protecting his head. However, witnesses said the youth's foot struck the dirt before making contact with the victim.

Dr. Peter Dirks, a neurosurgeon who testified on the Crown's behalf, said the victim's injuries were consistent with the beating he suffered.

But Ferris disagreed.

"I think the most likely cause of this injury is a fall. I'm reasonably confident it's not the result of a punch," said Ferris, adding the assailant's fist would have sustained extensive damage to exert enough force to cause the injury.


However, under cross examination, Ferris agreed it is not impossible for a punch to have caused the injury.

"Clearly, a kick could cause this injury", but the lack of damage to the surrounding skin makes it unlikely.

Ferris said there is no clinical evidence to directly tie the skull fracture to an assault.

"Strictly speaking, there isn't a link," he said.

"I suppose you could speculate they are linked. But there isn't a chain. It isn't that the chain is broken, it doesn't exist."



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