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### **TRACE PICTURE OF GRIEVOUS BODILY HARM CAUSING VICTIM'S DEATH**

**Лускатова Т., Лускатов О. СЛІДОВА КАРТИНА УМИСНИХ ТЯЖКИХ ТІЛЕСНИХ УШКОДЖЕНЬ, ЩО СПРИЧИНИЛИ СМЕРТЬ ПОТЕРПІЛОГО.** У статті досліджено слідові картину умисних тяжких тілесних ушкоджень, що спричинили смерть потерпілого, проаналізовано погляди вчених щодо різних типів відображень, що залишаються внаслідок посягань на здоров'я людини.

Матеріальні сліди завжди є об'єктивними носіями інформації про подію й тому найкращими джерелами для накопичення даних в межах криміналістичних характеристик певної категорії злочинів. Разом з інформацією щодо способів та іншими вагомими ознаками злочинів вони утворюють систему взаємозв'язаних типових зведень, що використовуються для висунення версій. Будучи знайденими, зафіксованими та вилученими в ході оглядів й інших процесуальних дій, проведених при розслідуванні багатьох злочинів, ці джерела інформації аналізуються та узагальнюються науковцями для отримання типових даних про види слідів. Їх систематизація дозволяє більш ефективно використовувати такий комплекс даних для розслідування злочину.

Сліди умисних тяжких тілесних ушкоджень, що спричинили смерть потерпілого, поділено на дві групи з урахуванням суб'єкта, який діє («сліди, в яких відображаються дії правопорушника» та «сліди, в яких відображаються дії жертви»). Відповідно, в межах кожної з них виділено підгрупи слідів, залежно від їх локалізації, зокрема такі, що залишаються на тілі та одязі правопорушника, на тілі та одязі жертви, на знаряддях злочину та оточуючих предметах, а також зміни в обстановці.

Вивчення архівних справ показало, що найчастіше правоохоронцями на місці злочину виявлялись сліди біологічного чи іншого походження (45% випадків), включаючи сліди крові, слини, сперми, сечі, частинки шкірного покриву, хімічні плями. Крім того, непоодинокими були випадки вилучення «залишених» об'єктів (25,5%), зокрема предметів, знайдених злочинцем на місці події або поблизу від нього й використаних для заподіяння ушкоджень; інструментів; пляшок; особистих речей; холодної та вогнепальної зброї; хімічних речовин. Слід зазначити, що на окремих місцях подій взагалі не було виявлено помітних змін в обстановці (16,5% випадків). Причиною цього є спроби злочинців приховати факти скоєння протиправних діянь та їх наслідки. Сліди-відображення вилучались досить рідко (всього 13%).

**Ключові слова:** криміналістична характеристика, слідова картина, умисні тяжкі тілесні ушкодження, смерть потерпілого.

**Formulation of the problem.** Information on various types of traces of intentional grave bodily injuries that caused the victim's death, in conjunction with other elements of the forensic characterization of this category of acts, provides law enforcement with powerful information that helps to build versions and in general promotes a more effective investigation of crimes.

**Analysis of publications which discuss the solution to this problem.** Before consideration of traces characterizing the commission of various kinds of intentional bodily injuries, including serious ones, O.V. Bespechny, L.D. Gauchman, V.G. Drozd, O.M. Dufenyuk, V.V. Loginova V.V. Piaskovsky, S.O. Safronov, E.G. Sakharova, M.G. Shurukhnov and other scholars. However, in their work they are not fully disclosed features of the trace pattern of intentional grave bodily injuries that caused the death of the victim, not enough attention to the systematization of many types of tracks left after committing the crimes of the category. How-

ever, this issue has a certain specificity and requires a more thorough study, which determines the relevance of the article.

**The purpose of the article** is to study the positions of scientists in relation to various types of traces that are detected after intentional injuries and, in particular, those that led to the victim's death; analysis of empirical data obtained on the results of investigation of materials of investigative and judicial practice and questioning of law-enforcers; systematization of traces remaining due to willful grave bodily injuries that caused the death of the victim.

**Basic content.** Criminalistics has been proved, as stated by I.F. Krylov, that it is impossible to commit a crime, not leaving at the same or these traces [11, p. 59]. This determines their unconditional significance in the search for the perpetrator and the establishment of objective evidence of a criminal incident. By considering the relevant element in the forensic character of the crime, in particular the various types of acts against life and health of the individual, scientists offer a broad and narrow understanding of the traces. As M.V. Saltevsky, this category includes a description of material and ideal traces of reflection at the time of the crime [16, p. 420]. To trace a crime in the broad sense of O.N. Kolesnichenko included changes in the real situation of the place of the event; traces - reflection; objects - material evidence; documents - written evidence; persons who may be interrogated as witnesses [19, p. 39-40]. Traces in the forensic description of the crimes of a separate species A.F. Volobuyev outlines how various changes they make to the environment [9, p. 374]. According to V.O. Konovalova, "trail picture" is a set of tracks, reflecting the picture of the crime [6, p. 25].

Analyzing the regular relationships between the individual elements of forensic characteristics, I.M. Luzgin points out that they are established by studying the traces of the crime, which reflect the actions of the offender, the signs of himself or the victim, signs of tools used guilty. According to the scientist, for most acts against the life, health and will of the person is characterized by the formation of traces of violence on the body and clothes of victims, surrounding objects, violation of the situation [7, p. 301].

Consider the positions of scientists about the various types of traces that are detected after intentional bodily injuries and, in particular, those that led to the victim's death.

Traces of causing bodily harm O.M. Dufenyuk suggests grouping as follows: traces on the victim (on the body, clothing, microobjects, etc.), traces of the crime (blood, shoes, hands, transport, microobjects, etc.), traces on the person of the offender (from the blood of the victim, struggle, etc.) [8, p. 283-284]. Study of the trace pattern of bodily injuries allowed V.V. It is logical to state that for this category of crimes, typical examples are the presence of typical traces of weapons and tools; traces of struggle; traces of the victim and wine person in the form of biological secretions, traces of hands, feet and shoes, blood, clothing, various micro-objects and hormonal traces [13, p. 7]. In particular, the scientist emphasizes the detection of traces of human organism in 57% of cases, traces of hands - 29%, traces of feet - 9%, tracks of vehicles - 2%. According to her, 51% of cases remove clothes, shoes with traces of blood and traces of using the tools of crime, and 43% - the very weapon [12, p. 138-139]. V.V. Pyaskovsky notes that the main carriers of information on the spot of causing injuries are the traces left by the victim and the offender, the allocation of the human body, the things of the victim or attacker, objects of the environment [10, p. 449]. According to the results of the investigation of causing harm to E.G. Sakharova states that the traces of such acts are repeated, they become typical for the corresponding methods of crime, place and time of their commission. The scientist highlights the traces of the weapons of the crime (barbed-cutting, dumb hard objects, firearms) that remain on the body and clothing of the victim, elements of the environment; traces of the victim's actions; other traces of the actions of the offender, namely: traces of hands, shoes, blood; microobjects; thrown offenders of things [17, p. 46-51]. Also, S.O. Safronov emphasizes that the method and means of committing bodily harm in the first place will correspond to traces on the body and clothing of a person. Describing their varieties, the scientist also points out the possibility of detecting traces of blood, human secretions, microscopic objects; traces created as a result of various actions of the attacker: strikes, suppression, use of weapons, explosives, electric current, etc. ; tracks on guns. He draws attention to the fact that material traces can be created as a result of actions of the victim. Among sources of perfect traces, besides the victim and guilty person, the author gives a wide range of different categories of witnesses [18, p. 25-32]. Consequently, there is a connection between the method of crime and the traces of its application: the latter allow one to determine the first; in turn, based on the data on the method, you can imagine both types of tracks, and objects on which traces can be located.

As pointed out by O.V. Bespechny, the consequences of causing serious harm to health

are various bodily injuries inflicted not only on the victim, and 21.1% - and the offender himself. For this category of crimes are traces of mechanical and other effects on the human body, in particular traces of blood on clothing, tools of crime, sex, walls, objects of the situation; also traces of the gun and often it is; biological traces of the offender and the victim (epithelium, saliva, sweat, hair, etc.). When committing such acts, there are always footprints of shoes and quite often - the traces of hands [2, p. 53-55]. Yes, L.D. Gauhman emphasizes that, when making bodily injuries, traces of blood are usually left; hand prints on individual objects, especially those that could have been caused by damage or blows from which they were caused; certain objects of the offender left at the scene, in particular as a result of the struggle with the victims (parts of clothes, pieces of fabric, etc.) [4, p. 55]. To the typical traces of murder and intentional infliction of serious harm to M.G. Shurukhov refers: the corpse of the victim; tools and means of crime or their share; traces of blood, footwear, fabric, transport, tools of crime, fingers, teeth; parts of clothes; injuries; various microobjects; allocation of the human body; biological objects of human life, etc. [20, p. 517]. Also, N.P. Makarenko notes that the offender, attacking the victim, often encounters resistance, fights with her and breaks her hair, especially if she has to deal with a woman. It remains on the hands of the criminal, clothing and tools. When the victim defends his hair against the attacker, he is exposed at the scene of the event, hands, body, clothes of the victim [15, p. 50].

Traces formed when causing severe bodily injuries, V.G. Drozd proposes to distribute traces of training, traces of causation and traces of influence on the human body. To the trace of this category of acts, the scientist also includes sources of perfect reflections, stating that every fifth crime was committed in the presence of witnesses [5, p. 7]. According to O.V. Yurovsky in the course of the review of places of events in cases of intentional causing of serious harm to health, which casually led to the death of the victim, the following typical objects and traces are revealed: a) guns; clothes; other objects left by the perpetrator; b) traces of blood, fingers, shoes, hair, microparticles, saliva, fuel and lubricants. The scientist emphasizes the struggle and others, testifying to the violent nature of the event [21, p. 134].

The specifics of the investigation of grave bodily injuries that caused the victim's death are such that in most cases (according to our data -81.6%), law enforcement officers are not able to get the perfect traces of the victims themselves, who at that moment already died. However, in the presence of eyewitnesses, using their memory, you can figure out information about the appearance of age, gender, specific signs and other intruder data, essential for their installation.

The analysis of the above positions of scientists indicates that they mainly characterize the material traces. Such approaches are based on the fact that it is difficult to reveal and accumulate more or less objective information about the typical ideal traces of this act in order to fill the content of forensic characteristics, since in its essence, the way of obtaining such data is always subjective, dependent on the perception of individuals, which vary in their ability to assess behavior, external signs of the suspect and others, circumstances of the event, etc. Hence, one should not count on identifying stable correlations between typical data on the ideal traces of a crime and other components of forensic characteristics. Unlike ideal material tracks, there are always objective carriers of event information and therefore the best sources for data accumulation within the specified scientific category. Together with information on the methods and other forensic evidence of crime, they form a system of interconnected model summaries used to promote versions, etc. Scientists are unanimous about the importance of material traces. M.V. Saltevsy notes that the forensic description describes which objects interact with each other in a concrete way, which at the same time form traces, where they are located and what features and properties are characterized [16, p. 421]. Even the behavioral, psychological features of the offender, according to V.O. Volynsky, are reflected in the form of not only perfect, but also material traces of crimes, in a material environment that faithfully reflects the characteristics of the person who committed the crime [3, p. 183]. Material traces of a crime, possessing specific properties, are in each other in certain relations, receive certain states, act as a logically formed system with its internal hierarchy, consistent in space and in time [14, p. 98]. According to E. Anushat, most of the evidence, in particular those arising from the survey, is materially perceptible, and the criminologist's eye reveals them, even the most insignificant data, to which others will not pay any attention [1, p. 16]. Future found, seized and seized during inspections and other investigative (search) actions conducted in the investigation of many crimes, material sources of information are analyzed and summarized by scientists to obtain typical data on types of traces and their use in formulating forensic characteristics of such acts.

During the archival research, we received data on the varieties of individual traces that were removed during the review of places of events. Thus, most law enforcement officers at the crime scene showed traces of biological or other origin (45% of cases), of which traces of blood (39.9%), saliva (1.5%), sperm (0.7%), urine (0, 7%), skin particles (1.8%), chemical spots (0.4%). In addition, cases of extraction of "left" objects (25.5%), including objects found by the perpetrator at or near the site and used for damage (12.2%), were not uncommon; instruments (8.6%); bottles (2.2%); personal belongings (1%); cold (0.7%) and firearms (0.4%) weapons; chemicals (0.4%). It should be noted that at certain places of events no significant changes were detected in the situation (16.5% of cases). The reason for this is attempts by criminals to conceal the facts of committing unlawful acts and their consequences. Traces of reflection were removed quite rarely (only 13%), namely: traces of hands (6,1%), traces of feet or footwear (4%), traces of instruments (1,5%), microobjects (0,7% ) The questionnaire of practical workers showed more optimistic results with regard to trace-mappings (35% of responses), of which: traces of hands - 10.5%, microscopes - 9.1%, trace guns - 8.4%, footprints or footwear - 5,2%, tracks of transport - 1,8%. Nearly equal respondents were determined to identify "left" objects (31%) and traces of biological or other origin (29%). In this case, in their responses also called "random" objects (10.8%) and traces of blood (20.6%). About no significant changes in the situation noted in 5% of responses.

The process of beating the victim of a crime of the investigated category determines the physical contact between the offender's person, his clothes, instruments, and the body and clothing of the victim. As a result, on the surfaces of both contacting persons there are various layers of biological origin, microparticles of clothing, implements. The study of case materials showed that in 37.8% of cases the offender was exposed to active resistance from the victim. Then the attackers on the body reveal bodily injuries in the form of bruises, scratches; on clothes - tears, hair, particles of skin. Other types of behavior were characteristic of the victims, in particular, 15.1% of them were called for help, 21.9% were passive, and 25.2% were trying to escape. It is clear that this caused the appearance of traces of different localization on the body of the victim, and in the latter case - additional traces on the back, on other parts of the body as a result of the fall, and so on.

Consequently, taking into account the above-mentioned scholar's opinions, empirical data, the main material traces of intentional grave bodily injuries that caused the victim's death, should be presented as follows:

**1) traces showing the offender's actions:**

**1.1) traces of violence on the body and victim's clothes:**

- traces of exposure by hands, legs or other parts of the body: bodily injuries (hematomas, abrasions, scratches, bites, fractures, the absence of individual organs, etc.); traces of blood; damage to clothes (ruptures, lack of sleeves, collars, pockets, buttons, etc.); clothing contamination (stains, layers of dust, soil, hair, other substances, microobjects);

- traces of tools used by the offender: bodily injuries (hematomas, abrasions, scratches, burns, fragmentation, incisions, holes, the absence of individual organs, etc.); traces of blood; damage to clothing (cuts, holes, tears, burns, lack of individual elements, etc.); clothing contamination (spots, layers of rust, fuel and lubricants, soil, particles of plant origin, products of a shot or an explosion, etc.);

- traces-layers of saliva, urine, stomach contents, other secrets of the offender;

**1.2) traces of their own body and clothing of the offender:**

- traces of actions by parts of the body towards the victim: bodily injuries (hematomas, abrasions, scratches, etc.); traces of blood; damage, clothing contamination;

- traces-layers of biological excretions of the victim, her hair, skin particles;

**1.3) traces on the instruments of the crime and surrounding subjects:**

traces-reflection of hands, feet, shoes, guns, transport;

traces of weapons, explosives;

microobjects;

traces of blood;

traces-layers of saliva, urine, tiredness substance, other types of offender;

**1.4) changes in the situation:**

movement, damage to individual objects;

left weapons, guns, other objects;

traces of a fire, an explosion, strong chemical and other substances, etc.;

**2) traces showing the victim's actions:**

**2.1) traces of the victim's resistance to the body and clothing of the offender, on the tools of the crime:**

*traces of exposure by the hands, feet or other parts of the body; from guns that fall into the hands of the victim: bodily injuries (hematomas, abrasions, scratches, bites, etc.); traces of blood; damage, clothing contamination;*

*traces-layers of biological sacrifices;*

*traces-reflection of her hands;*

**2.2) traces of the resistance of the victim on her own body and clothing:**

*traces of actions by parts of the body towards the perpetrator; from guns that fall into the hands of the victim: bodily injuries (hematomas, abrasions, scratches, cuts, burns, etc.); traces of blood; damage, clothing contamination;*

*traces-layers of biological secrets of the criminal, his hair, skin particles;*

**2.3) traces on surrounding subjects:**

*traces-reflection of hands, feet, shoes, etc. ;*

*microobjects;*

*traces of blood;*

*traces-layers of biological sacrifices;*

**2.4) changes in the situation:**

*movement, damage to individual objects, etc.;*

*left things*

In addition, traces of other people, including eyewitnesses, can be spotted on the spot. Their research can provide clarification in the whole mechanism of committing a crime, detecting witnesses, if they disappeared, trying to avoid unnecessary "complications", proving the fact of their presence at the crime scene, etc.

**Conclusions.** The traces of intentional grave bodily harm that caused the victim's death should be divided into two groups, taking into account the actor ("traces showing the actions of the offender" and "traces showing the actions of the victim") within each of the which distinguish subgroups of tracks, depending on the localization of the latter. This system quite fully characterizes the trace of this category of crimes.

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#### **Summary**

The article investigates the trace of intentional grave bodily injuries that caused the victim's death, analyzes the views of scientists in relation to various types of mappings that remain in the course of intentional attacks on human health.

Material tracks are always objective media about event information and therefore the best sources for data accumulation within the forensic characteristics of a particular category of crimes. Together with information on the methods and other pivotal evidence for crime, they form a system of interconnected model summaries used to promote versions. Once discovered, recorded and seized during surveys and other investigative (search) actions, these sources of information are analyzed and summarized by scientists to obtain information about the types of traces. Their systematization allows more efficient use of the given complex of data for the purpose of investigation of a crime.

Traces of deliberate grave bodily harm that caused the victim's death are divided into two groups, taking into account the acting entity ("traces showing the actions of the offender" and "traces showing the actions of the victim"). Accordingly, within each of them, subgroups of tracks are identified, taking into account their localization, in particular, those that remain on the body and clothing of the offender, on the body and clothing of the victim, on the tools of the crime and surrounding objects, as well as changes in the environment.

The study of archival cases made it clear that most law enforcement officers at the crime scene showed traces of biological or other origin (45% of cases), including traces of blood, saliva, sperm, urine, skin particles, chemical spots. In addition, cases of removal of "remaining" objects (25.5%), including objects found by the offender on the scene or near him and used for damages, were not uncommon; instruments; bottles; personal things; cold and firearms; chemicals.

It should be noted that at certain places of events no significant changes were observed in the situation at all (16.5%). The reason for this is attempts by criminals to conceal the facts of committing unlawful acts and their consequences. Traces of reflection, in particular, traces of the hands, footprints or footwear, traces of tools, microobjects, were removed quite rarely (only 13%).

**Keywords:** *forensic characteristic, trace picture, intentional grave bodily injuries, death of the victim.*