

## Break in the House and Stabbed with the Knife

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### Abstract

The citizens of Split (the second largest city in the Republic of Croatia), on April 26th, 2018, shocked the event that could tragically end. In the morning hours, an unknown man broke into a house with the intention of robbing. At the time of his break in the house, there was a child of 11 years old who was stab in the neck by a housebreaker. After stab, housebreaker escaped. Beside the victim (boy) a bloody knife was found. The boy has been successfully operated and is out of life danger. The criminal investigation of this disruptive event is ongoing, and the purpose of this paper is to consider the legal solutions of the criminal act of housebreaking and the criminal act of attempted murder. Special emphasis has been placed on the role of medical professionals in solving this case.

**Keywords:** *House; Break in; Stab; Knife; Criminal Investigation*

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### Introduction

Reconstruction of a crime scene is essential in determining the events that took place prior to, during, and after a criminal act has occurred [1]. Physical and biological evidence will play a crucial role in linking the suspect to the victim and the location of the crime as well as providing support or contradictions of witness/victim/suspect recollections of the incident. An accurate and objective crime scene search yields the “story” told by the evidence so that it is reasonable and convincing to a jury. Forensic evidence is used to provide impartial facts and is often referred to as the “silent witness.”

The crime scene investigator (CSI) plays an important role on the collaborative team that includes the lead detective, the medical examiner, the prosecutor’s office, and the forensic scientists at the crime laboratory. Depending on the type of physical or biological evidence and the examinations that are performed, a number of scientists and technicians may be involved in the analysis of the evidence. It is highly recommended that CSIs contact and meet crime lab personnel so that they establish a professional relationship and feel comfortable in calling the lab when seeking expert advice for dealing with the unusual situations that will be encountered at crime scenes. This is a two-way street, because oftentimes the forensic scientist will have questions that can best be answered by the CSI who collected and submitted the forensic evidence being examined.

Physical evidence encompasses any and all objects that can establish that a crime has or has not been committed or can link a crime and its victim or its perpetrator [2]. But if physical evidence is to be used effectively to aid the investigator, its presence first must be recognized at the crime scene. If all the natural and commercial objects within a reasonable distance of a crime were gathered so that the scientist could uncover significant clues from them, the deluge of material would quickly immobilize the laboratory facility. Physical evidence can achieve its optimum value in criminal investigations only when its collection is performed with a selectivity governed by the collector's thorough knowledge of the crime laboratory's techniques, capabilities, and limitations.

Explanations of criminal behaviour and criminality are central to forensic psychology [3]. These provide the basis for considerations of how criminals can be assessed, whether and how they can be helped to avoid future criminality or be 'treated' in some way. If it is assumed that there is something inherent in being a criminal, then assessment, punishment, and treatment would focus directly on the characteristics of the offender. By contrast, if it is assumed that offenders are created by circumstances, then programmes to reduce crime would focus on those circumstances rather than the individual offender. As a consequence, debates about the causes of crime, which may seem rather abstract, can and do have direct influence on policies for tackling crime and managing offenders.

### **Break in**

The break in differs from theft that the perpetrator must overcome the obstacle to come to the subject, money or other things he wants to seize [4]. An obstacle is an enclosed space where the thing is. The heavy theft by break in consists of two cumulative elements. One area from which the theft was taken - the subtraction of a moving thing else, and the second element is the way of eliminating or overcoming a serious obstacle in order to get movable thing. The theft was carried out from a closed area. The enclosure is closed when a place to enter or opening device is installed and a closing device (lock, padlock) is used. Lock is the most common way of closing. Each locked space is also a closed space - a closed area is area where closed hatches which are intended for entry.

The way of choosing a home, an apartment, as an object of attack is done by the perpetrator on the basis of the following elements (advantages and disadvantages):

1. The luxurious look of the facility and the environment
2. The absence of alarm devices and the guard dog
3. The facilities are probably empty, or check by phone, or check by ringing on the door
4. The absence of other nearby facilities
5. Frequencies of people on nearby roads
6. Possibility of access to the door or window of the facility (access to the back yard)
7. A fast escape from the environment
8. Whether there will be targets or valuable items, where it is possible to spoil more.

The perpetrators, besides money, take away various other objects, gold, silver, technical items, camcorders, technical items, acoustics, and art objects, depending on their sales options. There are burglars, which are relatively rare, who take away everything they can to meet. Among them are often tramps and people abusing alcohol or drugs. The money is taken away by all the burglars. Stolen gold objects, camcorders, technical goods, most often sold over the concealer, who occasionally or professionally buy up items they know have been subducted by a criminal act.

### **Forensical characteristics of the stab wound**

The stab wound is caused by an instrument with a pointed ends [5]. The impact force of the attack follows the axis of the instrument. The character and form of the wound depends on the shape of the instrument used. Dull-pointed, round-bodied instruments - spikes - cause wounds with rounded sides, the wound being formed in part by the effect of withdrawal on the line of cleavage of the skin, leaving it gaping a little in a somewhat spindle shape. If the point of the instrument is dull, it first stretches the skin inward causing characteristic abrasion marks around the wound shapes.

If the diameter of the instrument was less than 1 mm - hypodermic needle or awl - the wound will form a nearly round discontinuity in which the lines of cleavage of the skin play no role. This must not be mistaken for missing tissue. Stab wound is an injury that occurs when the spinous mechanical tool is pressurized to act in the depth of the body [6]. The resulting bite wound has a greater depth than the length. The prototype of a stab wound is considered as a wound caused by knee stabbing in the body and pulling in the direction of the longer blade.

The features of such injuries are length, narrow and may be:

1. Stabbing tools, ie items such as a knife and screwdriver;
2. Stabbing guns, eg bayonets, daggers, stilettoes;
3. Random foreign bodies; such as pieces of glass and hard plastics.

During pulling of the blade, a larger or smaller stabbing wound can be formed in the supplements of the stabbing wound, so we can talk about stab-cut wound. When a cold weapon acts against a person's body, it is possible to find biological traces, textiles, earth (when a fight is in progress) and other cold weapons can also be used for the execution of other criminal acts, such as break in, damaging other's thing, etc. Traces in such cases may be imprinting and other mechanical traces.

The external dimensions of a stab wound are a poor guide to the width of the knife blade [7]. The skin tends to retract after the blade of the weapon is withdrawn, causing the length of the wound to shorten while its width increases. Moreover, the blade of the weapon may not have been introduced and withdrawn perpendicular to the skin surface and, as a result, the wound may be considerably longer than the actual width of the blade.

### Tasks of forensics and criminal investigators

Criminalistics, the branch of forensic science concerned with the recording, scientific examination, and interpretation of the minute details to be found in physical evidence, is directed toward the following ends [8]:

1. To identify a substance, object or instrument.
2. To establish a connection between physical evidence, the victim, the suspect, and potential crime scenes.
3. To reconstruct how a crime was committed and what happened at the time it was being committed. To get at the details regarding the analysis of bloodstain patterns (distribution, location, size, and shape) or to determine the trajectory of a bullet and gun-to-target range, training and experience is a must.
4. To protect the innocent by developing evidence that may exonerate a suspect.
5. To provide expert testimony in court.

Traces of a victim appear in cases where a criminal act was committed on a victim or became a victim because of the presence of a criminal act [9]. When a criminal act has been committed to a victim and victim resisted the committing of a criminal act, such traces can be found. As a rule, on the victim can be found traces of combat, various types of bodily injury, biological traces, traces of textile fibers, traces of weapons.

At the scene, the perpetrator may leave traces that may be visible or invisible [10]. When securing a crime scene, investigators need to care to ensure that traces are not destroyed or altered, or that new ones are created. Traces may appear as papillary imprints, footprints, traces of clothing fibers, traces of blood, tooth traces if the perpetrator consumes food at the scene. In the process of an investigation, it is necessary to look closer to the environment of the crime scene because there is a possibility that the perpetrator, coming to and leaving the facility after the break in, left traces that will identify him, or point to his movement, hide stolen objects, or dismiss the used tool. After the investigation has been conducted, it is necessary to collect information from the injured party and other persons that might be relevant to clarifying the offense, especially for the search for seized objects.

## Violence

The World Health Organization (WHO) defines violence as the “intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation” [11]. This definition covers a broad range of outcomes – including psychological harm, deprivation, and maldevelopment.

The WHO argues that this reflects a growing recognition among researchers and practitioners of the need to include violence that does not necessarily result in physical injury or death, but that nonetheless imposes a substantial burden on individuals, families, communities, and health-care systems. More commonly, however, the label of violence is restricted to behavior where physical harm is inflicted. It would also seem that the “intent” of the perpetrator is an important aspect when defining whether an act is violent, thereby requiring knowledge of the internal processes of the individual committing the behavior.

Violent offending forms a subcategory of violence, referring to acts of violence that contravene the legal code. However, defining an individual as a violent offender on the basis of whether they have committed a particular violent offense is highly problematic (Kenny, D.T., & Press, A.L. (2006). Violence classifications and their impact on observed relationships with key factors in young offenders. *Psychology, Public Policy and the Law*, 12, 86–105.). The latter authors point out that considerable differences in behavior exist between acts that meet a legal definition for violence, such as assault, and have called for a reliable coding system for classifying violent acts and offenses.

## Expert witness

The Rules of Evidence recognize two categories of witnesses [12]. Lay witnesses, also called percipient or fact witnesses, are called to testify because they have seen, heard, or done something relevant to the facts and circumstances of the case. The testimony of such witnesses contributes directly to establishing the factual events. The second type is an expert witness: a person who, by reasons of education or special training, possesses knowledge of a particular subject that may be beyond the understanding of the average person. Experts are not always required. They are hired only if their expertise is necessary to present technical and/or complex facts, or to provide expert opinions based upon their knowledge, experience, and qualifications. The contribution of expert witnesses is not limited to their personal knowledge.

Expert witnesses can draw inferences from ordinary science, business, or other technical areas. They may be asked to offer opinions on the cause or consequence of occurrences. They may even be called upon to interpret the actions of others and the impact of those actions on liability. The opinions and observations of expert witnesses increase the probability of reaching a fair and just ruling because expert witnesses are able to explain facts that might otherwise escape notice and consideration. As a result, expert witnesses are most often challenged on the reliability of their interpretations of the facts and on the objectivity or bias of their testimony.

The system of rules that constitutes the law of Evidence controlling the flow of information in civil and criminal litigation is exclusionary, that is, it is the basis for keeping evidence away from jury scrutiny if its potential for the truth is jeopardized by either the nature or source of the information being offered or its probative value would be substantially outweighed by prejudice, confusion of the issues, or characterization as the needless presentation of cumulative evidence [13].

The basic circumstantial evidence inference-based argument used in modern trials, whether aimed toward proving a scientific result or a more routine establishment of an important fact, has served the law as the primary method for proof of a past event, such as the commission of a crime and identification of a perpetrator. All trials are attempts to establish a version of history that relates to a past event, such as a sexual assault, robbery, burglary, or homicide. The state has its version of what happened and the defendant has another. The trial is an effort to convince a jury of the correctness of one or the other versions of the past event at issue, the facts leading up to it, and the identity of important participants.

## Conclusion

The criminal act of break in the house has been prepared by the perpetrator for a long time. He waited for a favorable moment, or a moment when he thought there was nobody in the house. Because he did not expect to find someone in the house, the housebreaker at the moment of cognition to someone has in the house and the moment of appearance of panic, by the knife he stab at the neck boy who live in the house in which he broke.

The factual situation presented here is characterized by two criminal acts. First, it's a break in the house and, second, boy is stabbed in the neck by the knife. It is attempt of the murder. The theory and practice of criminal law say that in such cases there are elements of an extended criminal act. This disagreeable event is a very complicated case because it is necessary to establish a series of facts on which the forensicists of different profiles will be participate.

The forensic core tasks are determining the severity of the injury and explaining why the perpetrator committed these criminal acts. Every criminal act must be processed in such a way as to determine all the relevant facts that have led to it. When all relevant facts are found, the competent state attorney will raise an indictment and court proceedings can begin.

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