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Wilma Duijst

Maastricht University, Netherlands

The interpretation of the expert opinion

Medical expertise is essential in criminal cases concerning capital offences. Three Dutch cases will be presented in which the expert opinion led to severe discussions in court, demonstrations against the police and even to miscarriages of justice. The first case is a case in which the victim was raped and killed. Based in the opinion of an expert two men were sentenced to 8 years of imprisonment. They proved to be innocent. After a DNA match a man is sentenced to imprisonment for 15 years. A new expert claims that this man is innocent as well. The second case is the Mitch Henriquez case. He died shortly after he was arrested by the police. Four medical experts claimed that he died because of

the use of the choke holding. Three experts claimed that he died because an 'acute stress syndrome'. Though the cause of death remained unclear, two police men were sentenced for causing the death of Henriquez. The third case is a case in which a woman was found dead at the bottom of the stairs. After an external medical examination, the forensic physician claimed that she died after a fall from the stairs. No radiological examination, nor internal postmortem investigation was done. Two experts stated that the woman was murdered by hitting her on the head with a hammer or a shoe. This led to the conviction of a man for 11 years of imprisonment.

Biography

Wilma Duijst is a Professor in forensic medicine and criminal law at the Maastricht University in the Netherlands. She is a forensic physician at the Community health service in Zwolle and a Judge at the high court in Arnhem-Leeuwarden. Her publication are in the field of forensic medicine and law. She is a member of the editorial board of a Dutch journal *Expertise en recht* (expertise and right)

wilma.duijst@maastrichtuniversity.nl

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