

# CASE STUDY: FORENSIC EXAMINATION OF DELAYED HOMICIDE IN LAW ENFORCEMENT:

## THE CASE OF DETECTIVE JAMES JOSEPH BIELLO, ATLANTA POLICE DEPARTMENT

By: BLAINE ROSS

**May 15, 2024**





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### **ABSTRACT:**

This forensic examination delves into the long-term medical and legal (medicolegal) repercussions stemming from critical injuries sustained by Detective James Joseph Biello, Atlanta Police Department (APD). Suffering catastrophic gunshot wounds while on secondary employment, Detective Biello's ensuing medical condition culminated in a delayed death classification, establishing a significant case for the study of forensic pathology in law enforcement incidents. This case is perhaps one of the most challenging and important of my career, highlighting the complexities of delayed homicide. I had the solemn responsibility of compiling 32-years of Det. Biello's medical records, and signing the death certificate, underscoring the profound impact of this incident on both a professional and personal level.

## **INTRODUCTION:**

This examination presents a detailed forensic analysis of an incident involving Detective James Joseph Biello, who was critically injured during an armed robbery while working an extra duty assignment inside the city limits of Atlanta, GA. The medical and legal (medicolegal) complexities associated with his delayed death due to complications from gunshot wounds provide profound insight(s) into forensic pathology's role in law enforcement.

## **INCIDENT ANALYSIS:**

On April 15, 1987, Detective Biello was engaged in secondary employment at Provino's Italian Restaurant located at 4387 Russell Road, Atlanta, Georgia. Det. Biello noted a suspicious vehicle abruptly parking outside the venue. A male assailant, later identified as David Moore, proceeded to execute an armed robbery. Detective Biello intervened, resulting in an exchange of gunfire. Moore sustained an arm injury, while Detective Biello received abdominal gunshot wounds.

Following the initial exchange, Moore, exacerbated by his injury, re-engaged Detective Biello, ultimately delivering a critical shot. During the ensuing struggle, Moore positioned himself over Detective Biello and fired, striking him at the cervical vertebrae (C-5 and C-6). The projectile further compromised the left pulmonary system, leading to irreversible pulmonary (Lung) insufficiency.



Detective James Joseph Biello: Pictured years after sustaining critical gunshot wounds in the line of duty. Despite his severe injuries, Detective Biello remained a symbol of courage and resilience.

## **PATHOPHYSIOLOGICAL IMPACT:**

The ballistic trauma to Detective Biello's cervical spine resulted in immediate quadriplegia. The bullet trajectory (wound path), compromising vital cervical vertebrae and lung tissue, initiated a cascade of medical complications characterized by chronic respiratory failure and recurrent infections, typical of such traumatic injuries. Over the subsequent decades, these complications necessitated continuous medical interventions, profoundly impacting his quality of life and functional capacity.

## **COMORBIDITIES:**

Detective Biello experienced a multitude of comorbidities, including:

1. **Obesity:** Resulting from immobility due to quadriplegia.
2. **Hypertension:** Often associated with stress and chronic pain.
3. **Hypoxia:** Due to compromised lung function.
4. **Anemia:** Likely due to chronic disease and repeated infections.
5. **Peril and Anxiety:** Stemming from trauma and significant lifestyle changes.
6. **Paralysis of the Diaphragm:** Due to spinal cord injury, leading to compromised respiratory function.
7. **Malnutrition:** Difficulties in maintaining nutrition due to respiratory issues and immobilization.
8. **Chronic Respiratory Failure:** Persistent due to compromised lung and diaphragmatic function.
9. **Dyspnea:** Constant shortness of breath due to lung damage.
10. **Hip Degeneration:** From prolonged immobilization.
11. **Insomnia:** Often associated with chronic pain and anxiety.
12. **Sprain of the Groin:** Possibly from attempts to mobilize combined with prolonged sitting position.
13. **Pleural Effusion, Pneumonia, Pneumothorax:** Recurrent due to compromised pulmonary function.
14. **Upper Respiratory Infections:** Frequent due to weakened respiratory system.
15. **Hemiparesis:** Weakness on one side of the body due to cervical spinal cord injury.

## **FORENSIC AND LEGAL PROCEEDINGS:**

In the aftermath of Detective Biello's death on July 28, 2019, which was conclusively linked to the injuries sustained during the 1987 incident, forensic pathology played a crucial role in re-evaluating the case as a potential delayed homicide. The initial legal adjudication had resulted in a conviction for aggravated assault and armed robbery. However, with the victim's death directly attributable to the incident's injuries, forensic findings supported reconsideration for additional legal proceedings under the classification of homicide. **DESPITE THE OVERWHELMING EVIDENCE, FULTON COUNTY DISTRICT ATTORNEY'S OFFICE DECLINED TO PROSECUTE THE CASE.**

## **LINKING COMORBIDITIES TO THE GUNSHOT WOUNDS:**

The gunshot wounds Detective Biello sustained in the line of duty were directly linked to the comorbidities that ultimately led to his death. The cervical spinal injury caused immediate quadriplegia, paralyzing him and severely impacting his respiratory function. This led to the paralysis of the diaphragm and significant pulmonary issues, leaving him with one functional lung for 32 years.

The compromised lung function resulted in chronic respiratory failure, recurrent infections, and hypoxia. His immobility contributed to obesity, hypertension, and hip degeneration, while the constant medical complications and pain led to insomnia and anxiety. Each of these conditions stemmed from the original gunshot wounds, creating a complex interplay of health issues that culminated in his delayed death.

## **DISCUSSION:**

The forensic examination of Detective Biello's case underscores the necessity for meticulous documentation and comprehensive understanding of trauma-related medical complications in forensic pathology. The intersection of clinical findings with legal implications in cases of delayed death due to injuries highlights the critical role of forensic pathologists in bridging the gap between medical evidence and judicial requirements.

## **CONCLUSION:**

Detective Biello's case is a pivotal instance of how forensic pathology contributes to understanding complex scenarios in law enforcement fatalities. It illustrates the importance of integrated approaches between forensic science, law enforcement, and the legal system to address the challenges presented by delayed homicides.

## **RECOMMENDATIONS:**

Enhanced Forensic Training: Law enforcement and forensic personnel should receive enhanced training in recognizing and documenting injury mechanisms and potential long-term complications.

## INTERDISCIPLINARY

Collaboration: Strengthen collaboration between forensic pathologists, law enforcement agencies, and legal professionals to ensure comprehensive evaluations and follow-ups on cases with delayed mortality.

Policy Development: Develop policies that support the forensic investigation process in cases of law enforcement injuries to facilitate thorough and accurate legal proceedings.

**Legislative Revision to the GA Death Investigation Act:** Propose an amendment to the Georgia Death Investigation Act mandating that an autopsy be conducted at no cost to the family or estate of any law enforcement officer, paramedic, firefighter, etc. upon their family or next-of-kin's request, if a service-connected death is suspected. This amendment will ensure that deaths potentially related to public service are thoroughly investigated, providing clarity and support for the families and maintaining transparency in the circumstances surrounding such deaths.

## DETAILED ANALYSIS OF COMORBIDITIES LEADING TO DEATH:

Detective Biello's injuries resulted in a complex and severe set of medical conditions, all of which were intricately linked to the initial gunshot wounds sustained during the line of duty.

- **Quadriplegia:** The injury to the cervical vertebrae (C-5 and C-6) caused immediate and permanent paralysis below the neck. This condition alone drastically altered his body's ability to function and resist secondary health issues.
- **Chronic Respiratory Failure:** The injury to the cervical spine and subsequent paralysis of the diaphragm severely impaired his respiratory system, leading to chronic respiratory failure. This condition required continuous medical support and left him prone to frequent respiratory infections.
- **Hypoxia and Dyspnea:** The compromised lung function from the initial injury and subsequent medical issues caused persistent low oxygen levels (hypoxia) and difficulty breathing (dyspnea), which further complicated his overall health.
- **Recurrent Infections:** Due to his weakened immune system and compromised respiratory function, Detective Biello experienced recurrent infections, including pneumonia and upper respiratory infections, which were exacerbated by his immobilized state.
- **Malnutrition and Anemia:** Chronic illness and respiratory failure often lead to malnutrition and anemia, both of which Detective Biello experienced. These conditions further weakened his body and reduced his ability to recover from illnesses.

- **Obesity and Hypertension:** Immobility and a sedentary lifestyle, combined with the stress of his injuries and chronic pain, contributed to obesity and hypertension, adding additional strain to his cardiovascular system.
- **Hip Degeneration and Musculoskeletal Issues:** Prolonged immobility led to hip degeneration and other musculoskeletal problems, which increased his pain levels and further reduced his mobility.
- **Insomnia and Anxiety:** Chronic pain, stress from his condition, and the dramatic change in his lifestyle contributed to significant mental health issues, including insomnia and anxiety, which in turn affected his overall physical health.

**CAUSE OF DEATH & MANNER OF DEATH:**

- **Cause of Death: Complications of Multiple Gunshot Wounds**
- **Manner of Death: Homicide**

Detective Biello’s death on July 28, 2019, was directly attributable to the long-term complications arising from the gunshot wounds sustained in the 1987 incident. The injuries led to a cascade of medical issues that ultimately resulted in his death, illustrating a clear case of delayed homicide.

32. Part I. Enter the chain of events-diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, Or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.		Approximate interval between onset and death	
IMMEDIATE CAUSE (Final disease or condition resulting in death)	A. <b>COMPLICATIONS OF MULTIPLE GUNSHOT WOUNDS</b>	<b>DECADES-SECONDS</b>	
	B. Due to, or as a consequence of		
	C. Due to, or as a consequence of		
	D. Due to, or as a consequence of		
Part II. Enter significant conditions contributing to death but not related to cause given in Part I.A. If female, indicate if pregnant or birth occurred within 90 days of death.		33. WAS AUTOPSY PERFORMED?	34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?
OBESITY, HYPERTENSION, HYPOXIA, ANEMIA, PARALYZED L-HEMIDIAPHRAGM, MILC MALNUTRITION, QUADRIPLEGIA, CHRONIC RESP FAILURE, DYSPNEA, ANXIETY, HIP DEGENERATION, INSOMNIA, SPRAIN OE GROIN, PLEURAL EFFUSION, PNEUMONIA, PNEUMOTHORAX, UPPER RESP. INFECTION, HEMIPARESIS.		YES	YES
NO NOT APPLICABLE		REGNANT	37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify)
			<b>HOMICIDE</b>
38. DATE OF INJURY (Mo., Day, Year)	39. TIME OF INJURY	40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify)	41. INJURY AT WORK? (Yes or No)
04/15/1987	21:00 MILITARY	PROVINOS	YES
42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County)			
4387 ROSWELL ROAD ATLANTA GEORGIA 30342 FULTON			
43. DESCRIBE HOW INJURY OCCURRED		44. IF TRANSPORTATION INJURY	
SUSTAINED MULTIPLE GUNSHOT WOUNDS IN THE LINE OF DUTY WHILE RESPONDING TO AN ARMED ROBBERY		NO	
45. To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. Medical Certifier (Name, Title, License No.)		46. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. Medical Examiner/Coroner (Name, Title, License No.)	
		/S/ BLAINE ROSS.	
45a. DATE SIGNED (Mo., Day, Year)	45b. HOUR OF DEATH	46a. DATE SIGNED (Mo., Day, Year)	46b. HOUR OF DEATH
		01/17/2020	22:08 MILITARY
47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH			
BLAINE ROSS.			
48. REGISTRAR (Signature)		49. DATE FILED - REGISTRAR (Mo., Day, Year)	
/S/ CHRISTOPHER JP HARRISON		01/17/2020	

Key Variables on Detective Biello's Death Certificate: Establishing Line of Duty (LOD) Death

## CONCLUSION:

The case of Detective James Joseph Biello highlights the profound and lasting impact of trauma on law enforcement officers and underscores the critical role of forensic pathology in understanding and addressing delayed fatalities. This comprehensive case study demonstrates the need for enhanced forensic training, interdisciplinary collaboration, policy development, and legislative support to ensure thorough investigations and justice for those who serve in public safety roles.

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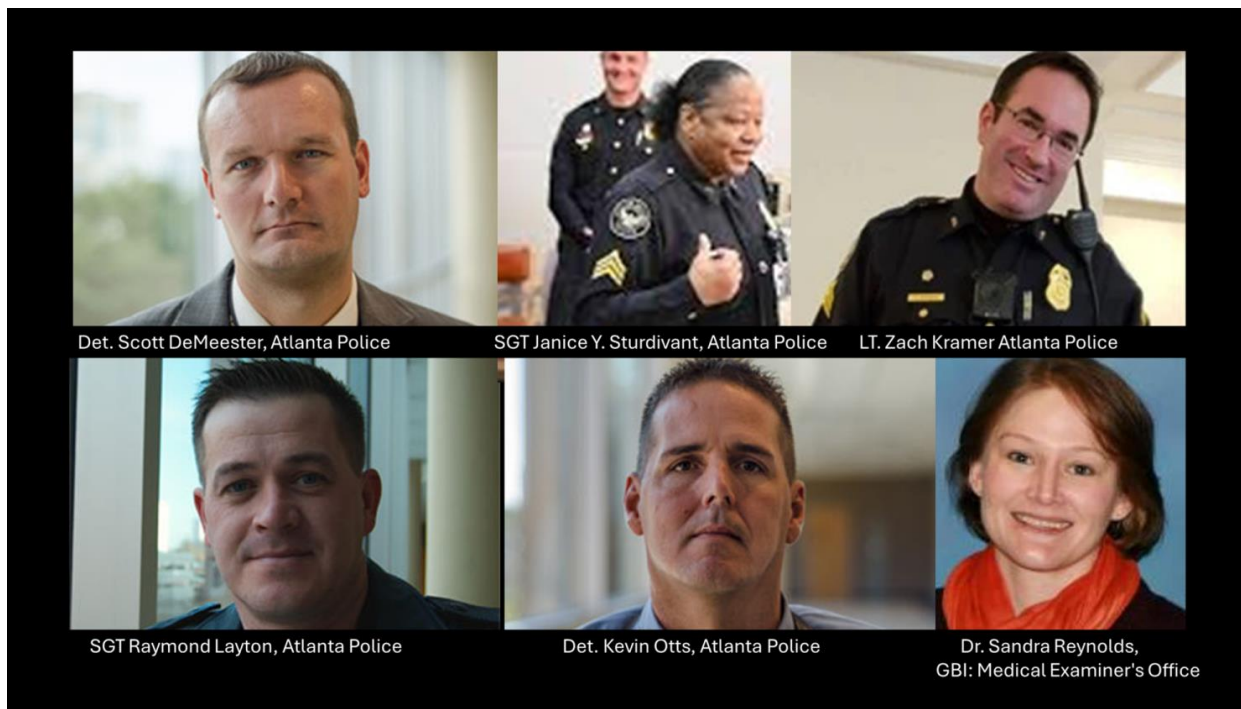
**\*\*\*NOTE: DESPITE THE OVERWHELMING EVIDENCE, FULTON COUNTY DISTRICT ATTORNEY'S OFFICE DECLINED TO PROSECUTE THE CASE\*\*\***

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## SPECIAL RECOGNITION:

Special Thanks to the Following, for Their Unwavering Efforts & Expertise:

- **SGT Raymond Layton, Atlanta Police Department Homicide Div.**
- **SGT Janice Y. Sturdivant, Atlanta Police Department**
- **Detective Scott DeMeester, Atlanta Police Department Homicide Div.**
- **Detective Kevin Otts, Atlanta Police Department Homicide Div.**
- **LT. Zach Kramer, Atlanta Police Department**
- **Dr. Sandra Reynolds, Georgia Bureau of Investigation: Medical Examiner's Office**
- Forensic Death Consultants LLC: [www.forensicdeath.com](http://www.forensicdeath.com)



Above: The dedicated team involved in Detective James Joseph Biello's death investigation.



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**“Blessed are the peacemakers, because they will be called sons of God”**

**(Matt. 5:9)**

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