

### **Intoxicated man dies in fall.**

A man was found unconscious on the cement floor one story below where he was sleeping and later died of his injuries. There were no witnesses to the event and his estate claimed that a defective loft railing was the cause of his fall. Robson Forensic was retained to evaluate his injuries and the effects his intoxication would have had to determine if the injuries sustained were consistent with a fall from standing height or from the loft level.

Our biomechanics expert evaluated his internal and external injuries, including bleeding from the ear, rib fracture, a linear skull fracture, massive brain swelling and Traumatic Brain Injury (TBI). She calculated the fall distance, speeds, and forces and factored in the effects of intoxication on his fall.

Toxicology analysis revealed a BAC of about 0.20% when he went to bed, roughly an hour and a half before his fall and roughly 30 minutes after his BAC would have peaked. At this level of intoxication, he would have had sensory motor impairment, loss of coordination, impairment of gait and balance, and decreased sensory response. Someone experiencing these effects would be less capable of recovering from a fall or loss of balance.

Injury review confirmed that he made no attempt to break his fall.

Our expert opined that due to his intoxicated state, the man may not have initiated fall recovery or head protective responses, which means he could not recover from his slip, trip or stumble and did not protect his head or back as he fell. He was not nearly as alert and responsive as a non-intoxicated person.

We showed that his injuries were consistent with a lower-speed and blunt trauma to the rear of the head in a fall from standing height on the same level. Had he fallen from the loft rather than a standing position, his injuries would have been more severe since the fall velocities were higher and the energy at ground contact would have been nearly three times that from the standing position.

This case settled favorably for the defendant prior to trial.