

Calusinski Statement

STATEMENT: THE CASE OF MELISSA CALUSINSKI

Prior to trial, the defendant, Melissa Calusinski, presented evidence about her statements to two separate and independent judges. These judges were able to review whether the defendant's statements were voluntary and intelligently made. The defendant was psychologically tested to determine her mental and intellectual abilities. There was also expert testimony provided by a defense expert witness as to whether the defendant's statements were coerced or voluntary. These judges found that the defendant's multiple statements were made voluntarily and intelligently.

Besides her statements to the first two police officers, the defendant made two additional voluntary statements including one to her father. She admitted to her father that she threw Benjamin Kingan to the ground very hard.

The jury heard this evidence and reviewed all of her statements-not just parts of what the defendant said. The jury found her statements were voluntary and intelligent. The Court also noted that the length of the interview was appropriate (see link to appellate court opinion). During the course of the interview there were many lengthy breaks taken so the police could check the validity of her changing versions of what happened.

Eight medical doctors testified in the case, both for the prosecution and defense. The evidence of a prior microscopic injury to Benjamin Kingan was thoroughly presented. This was and is not new evidence. This evidence didn't explain the massive amount of blood found in three separate layers of his head or the fracture of his skull. Benjamin was seen the day before his death by his pediatrician. This doctor found no evidence of a head injury and found Benjamin to be healthy, happy and normal.

The evidence presented showed that the defendant threw Benjamin down and the back of his head hit a hard tile floor. This was corroborated by the injuries to the back of his head. The defendant demonstrated or described this to four different persons.

The appellate court heard all of the evidence in this case, including the defendant's statements and the medical evidence. The appellate court also found (like two judges and the jury) that the defendant's statements were voluntary, the medical evidence was thoroughly presented and that the defendant was guilty of first degree murder.