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The “Joseni Case” - an Example of Effective International Cooperation in Solving a Case of Shooting Murder

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Abstract: Investigation of violent crimes is one of the most complex and interesting activities that could be done by the prosecutor and police officers and must be based on a special strictness. The most important aspects in the investigation of these offences, considered the most serious, consist in the crime scene investigation and the international police cooperation, for the files with foreign elements. “The Joseni Case” was about a homicide committed on 22th of April 2011, the victim CSALA ZSOLT, aged 42, was the deputy mayor of Joseni in Harghita County who has been shot by unknown perpetrators, in the cottage located on the edge of the village. The crime scene investigation was carried out with great attention and this led to the discovery a plenty of evidences that were subsequently exploited by performing genetic and ballistic expertise, with the support of specialists and experts of the Romanian Police. The efficient outcomes were corroborated with the information obtained from the investigations, as well as with an excellent international cooperation with the authorities of other states, through official channels. Among them are the identity of some DNA profiles discovered on the ammunition used, with the DNA profile of the author, also the finding of the Swiss origin of the weapon used to commit murder. To conclude, the professional conduct of the crime scene investigation, but also strengthening the exchange of information within international police and judicial cooperation, together an extremely professional and experienced team of investigators, represent the premises of a successfully solving the case by identifying the perpetrators of the serious crimes.

Keywords: Crime scene investigation; cooperation; investigation; DNA profile; weapon and ammunition; author

Investigation of violent crimes, especially those of serious violence, is one of the most complex and interesting activities that could be done by a police officer in his entire career. Acts of great violence are the most serious crimes, as they are the ones that have the worst result as the death of a person, the most important social value. The consequences produced by committing these serious crimes, but also the way and the violent means used by the authors require a proper reaction from the state authorities, which suppose the allocation of considerable resources to investigate these cases, until the punishment of the perpetrators and imprisonment for a long time.

As was mentioned, the investigation of these serious crimes must be based on a special strictness from the competent and designated investigation team and include a series of specific means and methods, stipulated by some legal provisions, especially criminal law and criminal procedure code.

Among the activities carried out by the police officers in the investigation of these cases we could mentioned the crime scene investigation, but also the international police cooperation in the context in which the opening of borders within the European Union has made criminals to travel from one

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country to another without barriers throughout Europe to commit crimes that are very difficult to prove without a constant cooperation between Member States.

For the beginning, the importance of the crime scene investigation must be emphasized, including the case which we will expose further.

The specialists know the fact that the crime scene, the place where the offence was committed is the richest in traces or information related to the criminal act and about the author. Moreover, there are a lot of discussions and opinion regarding what the crime scene term means. In case of a murder or other serious crimes where the result is the death of the victim, this crime scene investigation is the most important part of the criminal case. As Emilian Stancu says, "*Crime scene investigation represents the beginning of investigations into particularly dangerous offences like murders, rapes or robberies followed by the death of the victim, destruction, catastrophes or serious accidents, organized crime, etc.*" (Stancu, 2010, p. 357)

It can be appreciated that in a very high percentage, this first activity is decisive for identifying the author and solving the case, through the way it is done, through the diligence and professionalism of those who participate. And this is why the crime scene investigation must be done with great responsibility - a principle that has always had the attention. American forensic scientist Geberth J. Vernon, a former homicide officer in New York with great experience in investigating murders, said about the crime scene investigation: "*Remember: Do it right the first time. You only get one chance*" (Vernon, 2006).

On Good Friday of 2011, a horrible crime shook the peaceful community from the Joseni locality, one of the bigger and cold villages in Romania, from the point view of temperatures, being located at the lower altitude of the country. In fact, the old name of this village is Alfalău, in translation "The lower village".

The victim was a significant member of the local community, namely deputy mayor CSALA ZSOLT, aged 42, and was found shot in his cottage located in the Borzont village, a quiet place at the base of the mountain called "Putna by locals.

Police Harghita Dispatch has been notified on 22th of April 2011 at 19.55 by a person, a friend of the deputy that he found the body dead-alive when he arrived at the place of the crime and has announced the Police.

The victim had multiple injuries in the abdomen, the left leg, left buttocks and in the right dorsal area, all these injuries caused by gun shooting.

The autopsy of the body was performed on 23th of April 2011 and the conclusions of the forensic examiners were the following - the death was violent and due to the acute cardio-circulatory insufficiency consequent to shot thoraco-abdominal wounds with massive internal hemorrhage.

Modus operandi used by the authors of the homicide, unknown at that time, and the quality of the victim and excessive publicity of the case led that a team of specialist police officers from the central structure of Romanian Police, Criminal Investigations Directorate were sent to support local investigators since the beginning of the investigations. Moreover, for the same reasons, the case was taken over from the Prosecutor's Office attached to the Harghita Tribunal in order to carry out the criminal investigation and identify the perpetrators by the Prosecutor's Office attached to the High Court of Cassation and Justice, Criminal Investigation and Forensic Section.

As it is written in the specialty books, from the very beginning the investigative hypotheses were elaborated, the main versions of the case being:

⇒ Authors could be people dissatisfied by the way property rights were respected during land restitution or other activities in which the victim was involved, as deputy mayor taking into consideration the long period he was in charge;

⇒ Perpetrators could be persons with whom the victim was in civil or criminal proceedings, litigation generated by the situation in the Joseni Compound, in whose organization there were interest groups developed, in an old state of conflict, with some threats to the victim;

⇒ Crime could be committed of jealousy because the victim's extramarital relations or even homosexual relationships with people around him.

Taking into consideration these hypotheses, as well as the data resulting from the ballistic and genetic expertise of the National Forensic Institute, the investigations and informative activities carried out in this case were complex and involved relevant logistical and human resources, within several structures of the Romanian Police, but also from other law enforcement authorities, such as the Romanian Intelligence Service, etc. All these activities were conducted and coordinated in a unique concept by the Criminal Investigation Directorate and the prosecutor in charge from the Prosecutor's Office attached to the High Court of Cassation and Justice.

For example, in the village of Joseni, almost 2.115 males were verified, about 400 people were taken statements and 760 DNA genetic samples were collected, several home searches were carried out by complex teams, were conducted many polygraph tests and a lot of request demanding information to the mobile operators.

To return to the main activities carried out in our case, the crime scene involved wide area for searching because the holiday house of the victim is a big one, its close surroundings of the lodge being checked thoroughly during two days (in total, the crime scene investigation lasted more than 14 hours). Thus, we investigated forensic all spaces in the lodge, but especially the technical room where the boiler was, located in the west and also the bottom of the hill, where it has been identified the place where the perpetrator fired at the victim (see photos no. 1, 2 and 3).



Photography 1.



Photography 2.



Photography 3.

Even in this case, the investigation of the crime scene has led to many evidences and means of proof that will be very important in the whole process of probation, as we will see later. In addition to the numerous and classical fingerprints collected, it has been identified a lot of biological samples, pieces of metal from bullets and other means of proof as sample.

Also, were found three cartridge cases coming from firearms ammunition and a bullet cartridge without percussion, all of this were caliber 7,5x55 mm (e.g.: photosno.4 and no.5).



Photography 4



Photography 5

Following the result of the crime scene investigation, were disposed more expertise to the Romanian Police experts, firstly, ballistic and genetic forensic expertise. The forensic DNA expertise of the means of proof found at the crime scene brought an extremely good result, somehow unexpected for the investigators, considering the fact that on the respective cartridges took place a destructive physical-chemical process by firing with the rifle and also because of the very low temperature in the Joseniarea at that time of the year.

Thus, in addition to other samples subjected to genetic analysis, the four cartridge tubes were treated in the Genetics Laboratory of Romanian Police, were identified micro traces consisting of epithelial cells whose genotyping highlighted a DNA genetic profile belonging to an unknown person. The genetic profile of a person unknown at that time was identified on three of the cartridges analyzed and on the fourth was found the same DNA profile in a mixture with another unknown person.

Subsequently, this profile, not assigned to a person, was compared in some genetic expertise with the genetic profile of many suspects, people mainly from the community in the area, a fairly large number (as mentioned above were taken around 760 biological samples, but not all of these reference samples were processed).

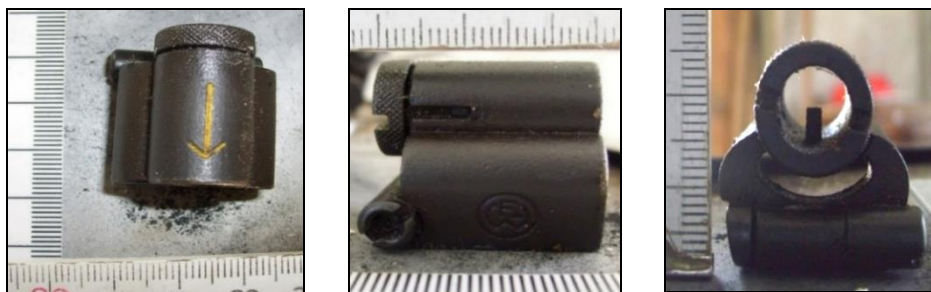
Also, the ballistic expertise disposed on ongoing investigation added a value to the file, the fact that all the ammunition elements were fired with the same weapon, the ammunition elements are most likely of Swiss origin, but also more important was the conclusion that the high probability that the firearm used for committing the crime is originally Swiss, a **Schmidt-Rubin** carbine type, or ZfK55 Sniper Rifle, BLEIKER, Swiss Stgw.57, Sauer model S205Phantom.

In this regard, were involved specialists from Directorate for Firearms and Ammunition specialized in this matter and it was established that in Romania there are eight persons who are legally owners of the fire arms with caliber 7,5x55 mm, but the checks and ballistic expertise conclude those persons could not be one of the suspects.

Thus, from the analysis carried out up to a certain point of the investigation, the conclusion was that **the ammunition elements are from Swiss production, were fired with the same weapon, probably made in Swiss and one similar DNA profile of an unknown male person** was identified on the cartridges, in fact, we'll see later, from the perpetrator himself.

Further on, an important point in the investigation was the discovery of a part of a firearm. The diopter was made available by the victim's family, sometime after the crime was committed. This disclosure accelerated somehow the investigation directing them in the right way. The weapon used in the homicide was equipped with a special sighting device (a diopter), manufactured by

WAFFENFABRIK BERN OF SWITZERLAND, a device not characteristic of the serial model, which seems to have been lost by the defendant, near the crime scene and was found at a moment after the on-site research- Photographyno.6 shows the identified part, Photographyno.7 presents images of some parts produced by the factory.



Photography6



Photography7

One other particularly important activity, in fact, one of the topics of this paper, was the cooperation and exchange of information with the Swiss authorities through the liaison officer (home affairs attaché) of Romania in Switzerland, the official channel of the International Police Cooperation Center.

Taking into consideration the information obtained from the beginning of the investigation about the ammunition used in the murder of Csala Zsolt, Swiss production ammunition and the probability of a Swiss rifle (at that time was unknown), it was intensified the correspondence with authorities from Switzerland (The Cantons Country), materialized in several operational messages and requests for police assistance, regulated by European directives.

As a result, data and information useful to the case come up, through which the first investigative hypothesis outlined from the beginning was confirmed, which finally will be led to the identification of the authors. The investigation benefited from a very open cooperation partner, willing to check every request coming from the Romanian policeman, mediated by the representative of Romanian police authority in Switzerland.

As we said, the data obtained strengthened the hypothesis of using a Swissfirearm to commit the murder of CsalaZsolt. The ammunition, 7,5x55mm caliber, identified at the scene, is used for type of weapons like Carabine **Schmidt-Rubin Model 1931-K31**. From information provided by Swiss authorities we found out that the riffle Schmidt-Rubin have equipped army Marinciu Doru Antonio, of Switzerland still in the last century, this type Carabine K31 has been used since 1931 (as shown by the sign)and the weapon Schmidt-Rubin-K31 was the private weapon for each soldier of Switzerland army, in the period of 1933-1958.Traditionally, Swiss military weapons were kept at home whilst the citizens were military active, also after retirement at age 55, all Swiss citizens have the right to keep weapons in family chest in their house. Weapons are mostly functional, but are not registered and there is no official register with the owners so they were unknown.

Finally, the Carabine K31 was replaced with the Sturmgewehr 57, an assault weapon and, by the end of the 1958, a number of 582.230 pieces of weapons had been produced. The latest weapon of this type was decommissioned in 1970 and since then has been used in sports as shooting gun.¹

Regarding the discovered part, the data confirmed that it was a diopter specific to the Carabine weapon K31, it was produced in series mode, but without assigning an identification series.

We present in Photographyno.8 the weapons **Schmidt-Rubin** which have been used by the Swiss army during the last century.²



Schmidt-Rubin Model 1889



Schmidt-Rubin Model 1897 Kadet Rifle



Schmidt-Rubin Model 1900 Short Rifle



Schmidt-Rubin Model 1905



Schmidt-Rubin Model 1896/11



Schmidt-Rubin Model 1911



Schmidt-Rubin Model 1911 ("K11")



Schmidt-Rubin Model 1931 ("K31")



Swiss Sturmgewehr 57
Photography 8

On the basis of this assumptions that became the main hypothesis, the investigation led to identify the witness Ming Peter Johann, a Swiss citizen residing in the Philippines. By hearing the witness Ming

¹<https://en.wikipedia.org/wiki/Schmidt%E2%80%93Rubin>.

²<http://www.swissrifles.com/sr/index.html>.

Peter Johann, he stated he introduced in Romania, during the year 2000, two Schmit-Rubin K31 military weapons, caliber 7.5x55 mm together with 40 bullets of the same caliber, which he kept for a long time at the victim's house in Joseni village, until 2006, when Ming Peter Johann handed them over to **LORINCZ ROBERT**, a 31 years old male, from Joseni, Harghita county.

The proof of the guilt of the author Lorincz Robert was largely based on the DNA expertise carried out in the case by the National Forensics Institute of Romanian Police.

As we have mentioned, starting from a crime scene investigation made very carefully and responsibly and investigating various suspects including defendant Lorincz Robert, geneticist specialists have concluded that DNA profile of the Lorincz Robert has the same formulas as the DNA profile obtained from micro traces identified on the cartridge found on the spot. *“The frequency of retrieving the genetic profile of the biological sample collected from the named Lorincz Robert, identical to those obtained from micro traces ...in the Caucasian population, is $2,01 \times 10^{-23}$ Population group in which this profile is unique is 4.9×10^{22} nongenetically related individuals”¹.*

The author admitted he was guilty of committing the murder, from the first statement, but later, he denied and tried to invent a series of “stories” unlikely to be plausible, without any evidence and demonstrable reality.

It was established that the perpetrator took the weapon from the place where it was hidden and a number of five cartridges and moved with his friend Mészáros József, dressed in camouflage clothes, hood and gloves, to the edge of the forest near the cottage of Csala Zsolt, where he waited so that the victim would remain alone. He executed a gunshot on the victim, who managed to take refuge in a cottage, then he forced the access door and fired another two shots towards the victim, causing her death.

After the hearing of the author corroborated with the investigative data, we found out the motive for committing the homicide, was represented by two previous events:

- An incident at the Joseni City Hall in 2007-2008, when the victim sexually molested the defendant, on a state of alcohol intoxication of the two men;
- Situation regarding the change of the location of a land that belonged to the author within Borzont village, when it was found that the measured land area did not correspond to the tabulated one, less by 3.000 m, the border line passing through the middle of the cottage raised on its land, situation for which he found guilty the victim Csala Zsolt.

At the same time, the author led the investigators to the place where he buried the weapon of the crime (including the second weapon illegally held), on a vacant lot near his holiday house, on the boundary of the village Borzont (Photography no. 9 - the weapon used to commit murder, discovered within the village of Borzont).

¹ Personal archive –DNA genetic expertise report of the Forensics National Institute, founding the case file.



Photography 9.

These excellent results were obtained, as we said, by a considerable effort, common of all structures involved, but in this regard, it should be noted a number of difficulties faced, starting from performing the activities mostly in an area inhabited by a minority community, well-cohesive community which hardly was open to the needs of the investigators.

Because all investigations have an ending, and most often this is successful, according to the indictment issued in case by Criminal Investigation and Prosecuting Section of the Prosecutor. Office attached to the High Court of Cassation and Justice – *“The act of the defendant Lorincz ROBERT, which in period 2007-2011 held two weapons, Schmidt - Rubin K31 brand, without legal right, stored at his cottage in the Feher Patak area, Borzont village, Joseni, Harghita county and on 22.04.2011, based on the previous criminal resolution, he moved to the cottage of the victim Csala Zsoltin the Putna area, within the village of Borzont, Joseni, firing four shots at the victim, causing lethal injuries, are the constitutive elements of the crimes of aggravated murder, art. 174, art. 175 paragraph 1 letter a, in the Criminal Code and non - compliance with the rules governing weapons and ammunition, art.279 paragraph 3, subparagraph a of the Criminal Code, with application of art. 33 letter a of the Criminal Code.”*¹

For the other defendant, the accomplice József Mészáros, who helped the author to kill Csala Zsolt was charged to the murder and non-compliance with the rules governing weapons and ammunition.

In conclusion, in all judicial legal matter, the end belongs to the court, therefor the defendant Robert Lorincz was sentenced for 22 years in prison by the High Court of Cassation and Justice (criminal sentence no 55 of 8th of February 2012 of the Harghita Court), on 29th of November 2012.

From the main body of this article we must conclude the importance and necessity to carry out in a highly professional framework all the activities for identifying the perpetrators of serious violent crimes. First of all, the crime scene investigation, certainly the most relevant of the seentire activities, but also international police and judicial cooperation, in the last few years.

The premises of a successful results, by identifying the authors of the serious crimes, definitely come up from the brief presentation of *the “JOSENI” case*.

And the premises are, without a doubt, a very good and valuable crime scene investigation, strengthening the exchange of information on a well-structured and operative base, in case of involving foreign elements and, of course, an extremely professional and experienced team of investigators.

¹ Personal archive - Indictment issued in “Joseni” file no.452/P/2011.

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