

Glenn Michael Larkin, M.D. (1935-2013)

A Personal Memoriam By Hans Sherrer

Glenn Michael Larkin, M.D. and I worked together on several cases of injustice over a number of years and we communicated with each other innumerable times. I always called him Dr. Larkin, so I will continue doing so in this personal memoriam.

Dr. Larkin was born in New York City's Queens borough on July 22, 1935. He graduated in 1958 from Brandeis University in Waltham Massachusetts with a B.A. degree. In 1966 he graduated with a medical degree from Université Catholique de Louvain in Louvain, Belgium. Dr. Larkin expanded his medical expertise when in 1977 he was board certified as a forensic pathologist.

Dr. Larkin's first job in the medical field was in July 1966 when he began working as a Research Associate at Wrightsville Beach Biomarine Medical Research Laboratory in Wrightsville Beach, North Carolina. In February 1967 Dr. Larkin began his first job as a treating doctor, working as an Emergency Room Physician at Babies Hospital in Wilmington, North Carolina.

Dr. Larkin was 34 when in January 1969 he began two years of service as a doctor in the United States Army during the Vietnam War. He was honorably discharged on January 7, 1971 as a Major MC USAR.

After his discharge, from January 1971 to July 1973 Dr. Larkin was a resident in pathology at Baptist Memorial Hospital in Memphis Tennessee.

From 1973 to 1985 Dr. Larkin worked at a number of positions in North Carolina, Louisiana, and Pennsylvania. He was a consultant forensic pathologist for ten counties in western Pennsylvania and the Western Federal District of Pennsylvania from July 1979 to April 1982. During that time, from March 1981 to January 1982, he also served as the Chief Forensic Pathologist and Chief Deputy Coroner in the Allegheny County Coroner's Office in Pittsburgh, Pennsylvania. Then from April 1982 to August 1984 he was a consultant forensic pathologist for ten parishes in southwest Louisiana and the Western Federal District of Louisiana.

Dr. Cyril H. Wecht was one of the most respected forensic pathologists in the United



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States, and from August 1979 to 1990 Dr. Larkin was a forensic pathology consultant with Cyril H. Wecht and Associates in Pittsburgh, Pennsylvania.

Dr. Larkin was recognized as a leading expert at determining time of death. He wrote eleven chapters that included one titled "Time of Death," for the book *The Forensic Sciences*, which was published in 1997 (Matthew Bender Co., New York) and edited by Dr. Wecht.

During the last twenty-five years of Dr. Larkin's active medical career – from September 1985 to November 2010 – he was in private practice in consultative forensic pathology in Charlotte, North Carolina and West Palm Beach, Florida.

During Dr. Larkin's career he testified as a forensic pathology expert for either the prosecution-plaintiff or the defense in over 100 criminal and 30 civil cases in state and federal courts in North Carolina, Pennsylvania, Louisiana, Wyoming and Florida. He also contributed affidavits or reports supporting capital and non-capital appeals in various state and federal district courts and courts of appeal, and state supreme courts.

It was after Dr. Larkin started working full-time as a consulting forensic pathologist that he began his *pro bono* work of assisting in cases of a person possibly wrongly convicted.

In 1998 a call was sent out over the Internet using the methods then available (particularly user groups) requesting articles about persons with a credible claim of being wrongly convicted, for possible publication in a new magazine called *Justice Denied -- the magazine for the wrongly convicted*. Many articles were submitted. The lead article in *Justice Denied's* first issue in February 1999 was "Jeffrey Stewart Dicks: Death Row Inmate in Kingsport, Sullivan County, Tennessee," by Glenn M. Larkin MD. Since 1999 *Justice Denied* has published almost 1,300 articles, but Dr. Larkin holds the honor of authoring the first article in its first issue. That article can be read at www.justicedenied.org/v1issue1.htm#Jeff%20Dicks. Jeffrey Dicks died in prison in May 1999 before he could be exonerated.

Dr. Larkin also wrote two other articles for *Justice Denied*: "Frank Milano: Victim Of

'Hit and Run' Justice" in Issue 6, which can be read at,

www.justicedenied.org/v1issue6.htm#Frank%20Milano%20; and "Mary Sue – Suicide or Murder? The Case of Tony Walker" in Issue 12, which can be read at, www.justicedenied.org/tony.htm.

Dr. Larkin worked most extensively with Justice Denied during its post-conviction investigation of Kirstin Blaise Lobato's Las Vegas, Nevada homicide case. That was because her conviction hinged on the medical examiner's time of death testimony that wasn't countered or even challenged by Ms. Lobato's lawyers during her 2006 trial. After the Nevada Supreme Court affirmed Ms. Lobato's conviction in May 2009 Dr. Larkin agreed to review the medical evidence in her case *pro bono*. He provided a 25-page report that included his conclusion the victim died within two hours of his body's discovery – a time when the prosecution conceded during Ms. Lobato's trial she was at her home 165 miles from Las Vegas. Dr. Larkin's new forensic pathology evidence completely undermined the credibility of the medical examiner's testimony the jury relied on to convict Ms. Lobato. Dr. Larkin's report was included as an exhibit to Ms. Lobato's state habeas corpus petition filed in May 2010. Ms. Lobato's appeal of the district court's denial of her petition is now pending in the Nevada Supreme Court. By January 2011 Dr. Larkin's health was clearly failing, and Ms. Lobato filed a motion for him to be deposed so the State would have the opportunity to cross-examine him about his report. The State opposed the motion which the district court denied, so he wasn't deposed.

Dr. Larkin also provided key new time of death forensic pathology evidence in the case of Larry Swearingen – who is on Texas' death row – that established the victim died during a period of time when Mr. Swearingen was in the Montgomery County Jail. Dr. Larkin's new evidence of Mr. Swearingen's actual innocence contributed to staving off his execution, but he remains imprisoned. Dr. Larkin didn't pull his punches when expressing his opinion, and he said about Swearingen's case: "No rational and intellectually honest person can look at the evidence and conclude Larry Swearingen is guilty of this horrible crime." ("Room For Doubt," *Houston Chronicle*, Jan. 22, 2009)

Dr. Larkin didn't limit using his expertise on cases in the U.S. He took a keen interest in Justice Denied's efforts to assist Guje Borjesson in acquiring evidence establishing her daughter Annie Borjesson was the

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victim of foul play in Prestwick on Scotland's southwest coast. After Annie's body was found on the beach next to a sea wall in 2005, the local police conducted no meaningful investigation before determining she committed suicide by drowning. In June 2010 I forwarded to Dr. Larkin the autopsy report, documents, research, and funeral home photographs Annie's mother Guje Borjesson had sent to Justice Denied. After reviewing the information Dr. Larkin told me the autopsy report was inadequate and not performed to recognized professional standards in the U.S., and that the autopsy photos could help fill in the holes. He also noted that a specie of diatom associated with *fresh water* was recovered from Annie's bone marrow – when she was found on a *salt water* beach. To proceed further Dr. Larkin needed the autopsy photos, but the Scottish authorities refused to turn them over to Guje Borjesson, so the case hit a dead end for his involvement. However, Dr. Larkin often mentioned to me the absurdity of the Scottish authority's determination Annie Borjesson committed suicide by drowning when there was no credible evidence she had drowned in the bay and washed ashore to where she was found with her belongings conveniently next to her.

In June 2011 Dr. Larkin had three heart attacks, and he had to be resuscitated back to life after one of them. He was then residing at Liberty Nursing & Rehabilitation Center in Charlotte, North Carolina. He told me he instructed the staff that he wanted nature to run its course so he did not want to be resuscitated again. At the time he told me he didn't expect to live more than another month or two. Ironically, he had his heart attacks just before he was scheduled to be transported to Texas to testify as a forensic pathology expert in a state prisoner's federal habeas corpus hearing. Dr. Larkin told me that when the federal judge learned of his heart attacks the judge accepted his conclusions as submitted based on Dr. Larkin's lifelong reputation and credibility as a forensic pathology expert.

I could tell from our regular phone conversations that Dr. Larkin's health was in a gradual downward spiral. In addition to heart disease he suffered from diabetes that had resulted in the amputation of both his legs. Although his mind was still sharp, after his heart attacks Dr. Larkin had so little stamina that a fifteen minute phone conversation could exhaust him. On his good days he would tell me he wanted to recover enough to resume working on cases again,

and to travel to Seattle. It seemed to raise his spirits to think he had something positive to look forward to, however unrealistic.

I sent him books related to wrongful conviction cases and *Justice Denied* issues, which we would talk about after he read them. He expressed three pet peeves about the legal system: the generally poor representation of defendants that results in unnecessary wrongful convictions and botched appeals, the general lack of impartiality by judges and their lack of scientific understanding; and the common attitude of prosecutors at trial and on appeal to "win at all costs" even when there is compelling evidence of a defendant's innocence, or at a minimum grave doubt about their guilt. Dr. Larkin wrote regarding the situation in the United States:

"With the Criminal Justice System not providing even the minimal degree of Justice, more and more people are being unjustly incarcerated, and abused while under the "protection" of the state. Education – meaning the dissemination of information – is the major way to correct individual miscarriages of justice as well as a global correction. This is a moral issue, as well as a legal and pragmatic one." (Glenn Larkin, M.D. forensic pathologist, North Carolina, available at, www.patrickcrusade.org/member_family_photos.htm)

Amazingly, Dr. Larkin hung on for far longer than he expected after his heart attacks in June 2011. He continued living at Liberty Nursing in Charlotte through 2012 and into 2013. In the fall of 2012 there was about a month when Dr. Larkin didn't answer the phone in his room. I repeatedly called and talked with office and nursing personnel who assured me he was alive and his room phone was working. I asked if his phone number changed and they said it hadn't. Finally I was able to have a call patched through to Dr. Larkin and he told me that he had been moved to a different room and his phone number *had* changed!

In January 2013 Dr. Larkin told me he had outlived his savings, which meant from that point forward he was dependent on the care Liberty Nursing would provide under Medicare. His stamina continued to decline, and with it his ability to engage in serious discussions, but every time I called he would ask how the Kirstin Lobato case was going, and express some degree of disgust that she and other innocent persons were imprisoned.

Dr. Larkin told me his oldest son Glenn Jr. lived in Michigan and his youngest son Scott

lived in Missouri, but he never mentioned that any family members lived near Charlotte. He would occasionally tell me that he either had a visitor that day or was expecting one, so apparently he was visited by people he knew from his many years in the Charlotte area

Dr. Larkin died at the Liberty Nursing & Rehabilitation Center at 3:30 p.m. on April 22, 2013. He was 77.

The T. H. Robertson Funeral Service in Charlotte handled Dr. Larkin's cremation, and there was no memorial service.

I am fortunate to have known Dr. Larkin. I consider Dr. Larkin to have been a great man measured by his willingness to try and aid people with a credible claim of innocence or who had experienced some other egregious injustice, and his fearlessness in following where the evidence led and expressing his expert opinion.

In recognition of the untold thousands of hours he spent *pro bono* using his professional expertise to analyze cases of possible injustice, Justice Denied is making Dr. Glenn Michael Larkin the latest inductee into its Wrongful Conviction Hall of Honor.

Note: Hans Sherrer is the editor and publisher of *Justice Denied*.



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