Legal Controversy Despite Medical Consensus

Charleston Child Trauma Conference
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Peer reviewed scientific papers demonstrating evidence that confirms the theory:

Intelligent Design = 0  Evolution = 2,650,000

Vaccine Preventable Disease Outbreaks

One in four Americans is skeptical about climate change... who gives a shit? That doesn’t matter. You don’t need people’s opinions on a fact. You might as well have a poll asking which number is bigger, 5 or 1? or do owls exist? or are there hats?

JOHN OLIVER


AN ANTI-VAXXER’S NEW CRUSADE
Dr. David O’Malley used to be active in the anti-vaccination movement. Now he’s challenging mainstream science—as an expert witness for accused child abusers.

By David Armstrong  November 05, 2019

The Child Abuse Trial

- Criminal and civil trials:
  - Evidence rules apply.
  - Cross-examination permitted.
    - Confrontation Clause guarantees defendant the right to cross-examine most prosecution witnesses.

Judges as “Gatekeepers”

- Judges decide:
  - Expert witness qualifications.
  - The relevance of all evidence including expert testimony.
  - The admissibility of all evidence including expert testimony.

The “Expert” Witness

- Frye or Daubert: Does it matter?
  - If challenged by opponent:
    - Under Frye – Admissible if “sufficiently established to have gained general acceptance in the particular field in which it belongs.”
    - Under Daubert – Judges should also consider:
      - Can the theory be tested?
      - What are the error rates?
      - What support from peer-reviewed publications?

Expert Witness Problems

- Misstating qualifications.
- Misrepresenting prior experience.
- Failing to testify as an objective witness.
- Advancing unique or outlier causal theories.
- Making false or misleading statements or omissions.
- Mischaracterizing the medical literature.

The judge didn’t disqualify the expert, but did mandate mouse ears.
Child Abuse Facts

- Over 700,000/year children reported as abused.
- 5 children die every day from abusive injuries.
- 50% of child abuse fatalities are children < 1 year.
- Child abuse causes over 10% of mental retardation and cerebral palsy cases.
- Child abuse is vastly underreported -- even by medical professionals.

How Common is AHT?

AHT/SBS
Other Abuse

Consensus Statement on Abusive Head Trauma in Infants and Young Children (2018)

Endorsed By:
1. American Academy Of Pediatrics
2. Society For Pediatric Radiology
3. American Society Of Pediatric Neuroradiology
4. American Association For Pediatric Ophthalmology and Strabismus
5. Executive Committee of the ACR
6. European Society of Pediatric Radiology
7. Asian And Oceanic Society for Paediatric Radiology
8. Sociedad Latino-Americana de Radiologia Pediatrica
9. Australian & New Zealand Society for Paediatric Radiology
10. Societe Francophone D'imagerie Pediatrique Et Prenatale
11. European Society Of Neuroradiology
12. American Professional Society on the Abuse of Children
13. Norwegian Pediatric Association
14. Swedish Pediatric Society
15. Japanese Pediatric Society
16. Danish Pediatric Society
17. Society Of German Speaking Pediatric Radiologists

Written By:
Radiologists
Neuroradiologists
Musculoskeletal Radiologists
Child Abuse Pediatricians
Neurosurgeons
Lawyers

What’s the problem?
Straw Man: The “Triad”

Complete past history including: prenatal history, family history, history of genetic or metabolic diseases, coagulopathies, congenital malformations, oncologic diseases, autoimmune disorders, infectious diseases, accident history, social history, allergies, immunizations, exposures to toxins, physical examination, review of medical and birth records, lab tests, radiologic studies, and skeletal survey. Consultation with pediatric radiologist, pediatric ophthalmologist, pediatric neurosurgeon, geneticist, hematologist, infectious disease specialist. Follow-up throughout hospitalization, coordination with social services, and outpatient follow-up.

A) Cerebral Edema
B) Subdural Hemorrhage
C) Retinal Hemorrhage

Exaggeration

“There is no exact count of shaken-baby prosecutions, but . . . in an estimated 50 percent to 75 percent of them, the only medical evidence of shaken-baby syndrome is the ‘triad’ of subdural and retinal hemorrhage and brain swelling.”

The New York Times
Creating Confusion

<table>
<thead>
<tr>
<th>Sickle cell anemia</th>
<th>Homocystinuria</th>
<th>Osteogenesis imperfecta</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meningitis</td>
<td>Dysphagia-choking</td>
<td>Sudden respiratory distress</td>
</tr>
<tr>
<td>Vitamin C deficiency</td>
<td>Marfan syndrome</td>
<td>Venous thrombosis</td>
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<tr>
<td>Vitamin D deficiency</td>
<td>Von Willebrand's disease</td>
<td>Aspiration of a hematoma</td>
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<tr>
<td>Vitamin K deficiency</td>
<td>Vascular malformations</td>
<td>Hemophagocytic lymphohistiocytosis</td>
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<tr>
<td>Loeblstein syndrome</td>
<td>Bacterial infections</td>
<td>Allergic syndrome</td>
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<tr>
<td>Glutaric aciduria</td>
<td>Viral infections</td>
<td>Idiopathic thrombocytopenic purpura</td>
</tr>
<tr>
<td>Thrombocytopenia</td>
<td>Ehlers-Danlos syndrome</td>
<td>Henoch-Schönlein purpura</td>
</tr>
<tr>
<td>Cryoglobulinemia</td>
<td>Melkers disease</td>
<td>Congenital heart disease</td>
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<tr>
<td>Reye's syndrome</td>
<td>Rickets</td>
<td>Waldenström's macroglobulinaemia</td>
</tr>
<tr>
<td>Hemophilia</td>
<td>Tay-Sachs syndrome</td>
<td>Other natural or accidental causes</td>
</tr>
</tbody>
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available at http://www.pbs.org/video/2028481038/

What do you think?

Are over 90% of pediatric physicians and the overwhelming bulk of the medical literature correct that in 2019 AHT can typically be reliably diagnosed?

Are a handful of law students, law professors, doctors, and defense lawyers correct that AHT is impossible to diagnose, grossly over diagnosed, or does not exist?

Public Health Risks

Vaccines Cause Autism  |  Shaking is Safe
↓                      |  ↓

A child dies every five seconds, and most are preventable deaths - U.N.

“The importance of scientific accuracy in the decision of cases reaches well beyond the case itself.”

- Justice Stephen Breyer