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Subject: SHAKEN BABY SYNDROME AND DPT

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Here is an article published in Australian Doctor Weekly on 12th February, 1999 (pg 56), in the "Law in Practice" section of the magazine. It is a milestone in the fight to get justice to prevail for this to be broadcast like this to doctors all over the country. (Lets hope they bother to read it!!) Ah, this is only a taste of much bigger things to come!....

DOUBT OVER SHAKEN BABY Strange Cases by Dr Maree Bellamy

How reliable is medical evidence related to shaken baby syndrome? The UK manslaughter case involving Australian nanny Louise Sullivan has highlighted the syndrome, but a US case casts doubt over its diagnosis.... A US lawyer has successfully used the defense that a DTP vaccination was responsible for what prosecutors claimed was shaken baby syndrome.

William Carey was tried for causing brain damage to his five-month-old son Ryan by shaking him violently. Now three, Ryan is severely developmentally delayed. No one saw Carey shake the infant, and no one testified that he was not a good father. But the medical evidence presented by the prosecution suggested that shaking was the only possible cause of Ryan's injuries. The "New Jersey Law Journal" reported that a Hunterdon County jury found Carey not guilty of the allegations. The results have fuelled debate over the reliability of shaken baby syndrome diagnoses as evidence in criminal cases.

On 22 March 1996, Carey was at home, off duty from his job as an officer in the Union County Police Department, when he called an emergency medical team. His son had experienced a violent seizure, Carey told the ambulance officers. The boy was taken to Hunterdon medical Center and later to Robert Wood Johnson University Hospital. Three pieces of information that emerged during the ambulance officers' attendance later became relevant. First, Carey was asked whether he had shaken the baby. He said no. Second, Carey told them Ryan had received a DTP shot earlier in the day. Third, one of the workers found Carey's behaviour suspicious.

Unlike most parents who refuse to let a sick child out of their sight, Carey refused to go to the hospital with Ryan. Instead, while the team took Ryan to the hospital, Carey

waited at home until his wife arrived from work, then they went to the hospital together. Notes made by the ambulance team and one of the first doctors who examined Ryan mentioned Carey's reference to the DTP shot, but within a couple of days consensus emerged among the doctors who examined and investigated the child. Although Ryan Carey did not die, he exhibited the bleeding and neurological damage associated with classic shaken baby syndrome, the prosecution said.

In 1996, a family court judge transferred custody of Ryan to a relative of the Careys and ruled that Ryan could never be alone with his parents—even his mother, who insisted her husband was innocent. The defence focused on the DTP shot, which had been administered earlier in the day of Ryan's seizure. For years, medical experts have been observing a relationship between shaken baby syndrome and DTP vaccinations, but the medical basis of this link has never been properly established. Prosecution experts in the Carey trial testified that there was an overwhelming consensus among doctors in the field that, although a DTP shot could cause fevers which could lead to seizures, there was no causal link between DTP shots and the bleeding symptoms associated with shaken babies.

It was argued that Ryan had a previous neurological condition that mimicked shaken baby syndrome, which was discovered and misdiagnosed as shaken baby syndrome after Ryan's adverse reaction to the DTP shot. At birth, Ryan had respiratory problems attributable to his delivery by caesarean section. From the time of his birth, the ratio of Ryan's head size to body size was so high, it was "off the charts" in terms of what is considered normal. The Careys and their paediatrician had discussed the possibility of a CAT scan to determine whether the head size was caused by an abnormality, but the scan was never performed.

At the age of two months, Ryan was hospitalised for three days because of uncontrollable, projectile vomiting. On the basis of these medical factors, it was alleged Ryan should not have been given the DTP shot. It was argued that cranial bleeding could have been caused by several other causes, such as pressure on the brain. Carey has regained custody of Ryan and has been reinstated as a police officer with more than \$100,000 in back pay.

Given the victory based on the theory that a pre-existing condition, exacerbated by the DTP shot, could have been diagnosed if a CAT scan had been ordered, it is now possible the doctors treating Ryan earlier could find themselves embroiled in litigation. (Dr Bellamy is the editor of Law in Practice and a practising GP)

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Some sites with info...

<http://hometown.aol.com/ohnoapr/myhomepage/index.html>

<http://www.access1.net/gtmail/>

<http://www.jps.net/tumnus/karenanderson/>

<http://www.famvi.com/index.html>

<http://www.mjbovo.com/AbuseLinks.htm#nine>

<http://www.wrongfullyaccused.org/>

<http://www.the-facts.com/>

<http://www.shadow-net.com/>

<http://www.firedocs.com/familyjustice/index.shtml>

<http://www.fathermag.com/news/1790-fake-rape.shtml>

ALSO sometimes truths are not told.....

While I could not stress enough that as a mother I am heart and incensed when children are taken from mothers, I also care more for truth in the false allegations, many of which are laid at the feet of therapists and "sex-abuse validators" who have one job or no pay. There are too many fathers behind bars or forever without their children because someone misused reporting of alleged molestation--or "accepted" the word of a validating "expert" or hired that person primarily to CREATE such a report--to take too swiftly any claim of the same ...

.....Some of the people who share these stories, if one comes to know others in their lives and gain a fuller picture, totally and absolutely BELIEVE what they are saying so that they, like the younger children who repeat "stories" which are provably not so, are not altogether "lying" in the sense of intent anyway.

In telling the mother yesterday about my concern for a double whammy, her tenuous battle to be free of an MSbP label far from over, I tried to be clear that NCADRC deals with attorneys and others handling FALSE ALLEGATIONS of child abuse or neglect so that we are not usually able to deal with those which are apparently valid

when, all things considered, we find ourselves at cross concerns if not purposes (re justice).

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(National Child Abuse Defense & Resource Center;

Toledo, Ohio-based: 419/865-0513; Fax: 419/865-0526

website: www.falseallegation.com) (Re: MSbP, see also:

www.stop-abuse.org , click on "Plugs" at Press material)