

Adult Victims of Shaken Baby Syndrome: A Modern Day 'Witch' Hunt—The Wrongful Prosecution of Dr. Malcolm Scoon

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Special Feature

I respectfully offer this article with the intention that the innocent parents, whose children's injuries made them suspects of child abuse, will be exonerated. May government overreaching be beaten back to once again serve the people and not enslave them. May the winds of truth blow hard and cleanse the land.

Centuries ago the most heinous of crimes was to practice witchcraft. The accusation alone was enough to destroy someone's life. Proclaimed witches would be burned to free their souls. God-fearing people considered this a humane act. Such atrocities were mostly visited upon independent free-thinking women. The accusation of 'witchcraft' evolved into a mere pretext that could be used to obtain wealth or drive out a commercial competitor. In the last century, mainstream medicine has used the "heresy" of wholism to harass, vilify, and destroy those who threaten its hold on the commerce of healing. This includes even dissidents within its ranks. During the cold war, witch-hunting infected politics: win an election by accusing your opponent of being a communist.

"Ignorant and clumsy physicians blame all sickness which they are unable to cure or which they have treated wrongly, on witchery." Barbara G. Walker, "The Women's Encyclopaedia of Myths and Secrets"

Today, one of the most heinous of crimes is child abuse. And the medical profession has discovered a new application of the cowardly practice of false accusations in its attempt to redirect blame and disperse suspicion.

In February of 1996, a story splashed across our newspapers reporting that a baby was admitted into Long Island Jewish Hospital. Her father, Dr. Malcolm Scoon, an anesthesiologist, was accused of violently shaking his 5-month-old daughter Mariah hard enough to cause her injuries resulting in death.

There were pieces missing. My colleague Gary Krasner, Director of Coalition For Informed Choice, and I were sure that vaccination played a part in this baby's demise. We both called the defense lawyers at the time to alert them to the connection between vaccination and brain injury. I learned others did the same. A Grand Jury, convened in the late Summer of 1996, charged Dr. Scoon with manslaughter in the 2nd degree (recklessly causing death) and criminally negligent homicide (causing death by criminal negligence). At some point, the Scoons switched attorneys.

Gary first contacted Malcolm's wife, Lois in the Fall of 1996 after seeing her on Geraldo's CNBC talk show proclaiming her husband's innocence. He spoke with her several times up to and through the trial, supplying the family with medical information to assist in developing a case of "reasonable doubt" needed to exonerate Malcolm. I attended the trial thinking that my presence would be appreciated and useful. I've spent over 15 years listening to parents share their experiences. Too many have seen their own and others' children fall ill and die following vaccination. I attended all but 4 days of the month long trial, keeping written records of the days' events. I offered the vaccine package inserts after hearing inaccuracies in the defense's questioning, I gave them notes I made about inconsistencies and vaccine contraindications. I also commented on the prosecution witnesses' cavalier attitude and how they simply did not acknowledge the periodic medical assaults to this baby and her resulting deteriorating condition.

A Brief History: Mariah had been conceived on the Scoon's third attempt at in-vitro fertilization, an invasive and expensive medical ordeal. Lois Scoon developed pre-eclampsia (a septic condition). Her pregnancy was terminated using the high-tech "birth" procedure of major abdominal surgery commonly known as C- (caesarean) section. Mariah was delivered on 9/17/96, 11 weeks prematurely, a tiny button of a baby weighing 2 pounds 1 ounce. She could not thrive on her. She was put in an incubator and hooked up to life support and monitors for weeks. She was given six blood transfusions. Lois expressed breast milk for her. Mariah had common premie problems like apnea (sudden stop breathing) up until 10 days before she was released and it is possible she had brain and retinal hemorrhaging (the defense's doctors suggested that this was not picked up because the sonogram done of her head at birth

was not able to detect bleeding just under the skull where old blood was found in later CT scans and autopsy). She was kept in the birth hospital for two months. The Scoons sought out the follow-up care of a pediatrician who specialized in premature infants. They called LIJ Hospital for a referral in their area and were given the name of Dr. Herbert Goldman, an old doctor, practicing about 40 years. He saw Mariah on 12/4/95, she was two and one-half months out of the womb, but really only minus two days old and only five and one half pounds. Nevertheless, the doctor had planned to begin vaccination at that visit. Malcolm, common sense rising up through his medical training, asked to postpone it. She suffered digestive problems from the infant formula; the doctor suggested it be changed. At the next visit on 12/18/95, only two weeks later, she had gained less than one pound, grown only one-half inch, she was still in the 5% group, yet her head circumference grew 20 percentile units. The doctor, a specialist, did not remark this to the parents.

Medical opinion says brain hemorrhages can spontaneously rebleed. If vaccines have been observed to initiate brain hemorrhages and swelling in babies without a predisposition like Mariah had, why did the doctor begin and continue to vaccinate her? This should have alerted the pediatrician. Transfusion increases the incidence of hemorrhaging. Didn't he know the vaccine package inserts warn about contraindications to vaccination? The legal "informed consent" provision requires that parents be informed. Why did he give them none? He wrongfully took the legal decision upon himself.

The term "catch-up" growth was used to describe her growth but the numbers were disproportionate. Despite the fact that she was still congested and her head was growing faster than the rest of her (contraindications to vaccination), the doctor administered the triple diphtheria-pertussis-tetanus and haemophilus influenza meningitis 'b' (Hib) vaccines.

On the third well baby visit one month later, he noted "no bad reactions" even though there were some. He noted "possible clonis-spastic displesia" a neurological impairment. Was this the result of the four vaccines given at the prior visit? He gave her a hepatitis 'b' and an oral polio vaccine. Again he gave Lois no information about the risks of these vaccines. And again he did not note that Lois had observed adverse reactions. He did note her body measurements; her head size jumped to 50% while her weight and length crept up to 15% and 8%.

[Measurements from Mariah's pediatrician's chart of her growth]

Mariah Date Weight(lbs) Length (in) HeadCirc.(cm)

Birth 9/17/95 2.1 ——— 14.0 ——— 25.5 ———

Visit 1 12/ 4/95 5.5 5% 18.0 5% 33.0 10%
Visit 2 12/18/95 6.3 5% 18.5 5% 35.0 30%
Visit 3 1/15/96 8.2 15% 20.0 8% 37.5 50%
Visit 4 2/12/96 10.0 25% 21.3 24% 39.0 65%

At her last well baby visit on 2/12/96, she was still congested and fussy and had been more irritable after the last vaccinations. The doctor noted clonus again; her feet did flex some, there was still tightness. He noted her weight was up to 25% (10 lbs.), her length was up to 24% (21.3 in.) but her head size jumped up to the 65% (39 cm.). Despite this seemingly abnormal growth and observed neurologic impairment, he administered another triple DPT and a second Hib vaccine. Then he gave Lois some Tylenol for expected fever and "crankiness" which happened. When adults react to a drug, symptoms are taken seriously; when babies react, they're called "cranky". Lois mentioned they were planning a trip to Florida and asked if the airplane flight might adversely affect Mariah. The doctor said it was of no concern. If he had heeded the marked increase in Mariah's head circumference and questioned possible intracranial pressure due to her predisposition to hemorrhaging, wouldn't he have cautioned that pressure changes from high altitudes might place her at risk or aggravate her condition? But then he never even acknowledged she had a condition.

The Scoons took that week-long vacation in Florida around a convention Malcolm was attending. Lois described Mariah as being cranky or fitful and fussy. She didn't eat well and she was drowsy. They returned. Monday was a holiday. Malcolm was off work. Although Mariah usually woke Lois at 5 a.m., Lois had to wake her to feed her. She was more congested than usual, her nose needed suctioning. The mucus was thicker. She was even fussier than usual and took less than one oz. of formula. Lois noticed that the back of Mariah's head was very warm.

It happened that Lois had a toothache and called around to find a dentist who would see her for an emergency appointment. She left around noon. When your child is not well, who better to leave her with than your spouse who is a health professional. Malcolm sat opening a stack of mail. He went to check on Mariah who needed to be changed. He prepared a tub of water to give her a half bath. The water was too warm, he left it to cool. After a while he heard sounds from the next room. He found her gasping. He tried to rouse her calling her name and tapping her. Then he sat her up and shook her as he supported her head. He gave her some rescue breaths (he had recently been re-certified in infant CPR). She was alternately fighting, waving her little fists, going limp, and getting rigid. When she was fading he gave her chest compressions. She didn't stabilize. He called 911 at 1:36 p.m. EMS took them to Long Island Jewish (LIJ) Hospital. In the ambulance, Mariah continued to fight, this time to knock away the oxygen mask.

At the hospital, the doctors did not listen to Malcolm, instruct them to give her a tracheotomy; she couldn't breathe. He dressed in sweat clothes and sneakers with a two days growth of beard. Maybe they didn't listen or believe that he was a doctor himself because he wasn't dressed like one. There are serious questions about the emergency room treatments and procedure, what was and was not done.

After coming home to an empty house, Lois arrived at the hospital around 6:45 p.m., the first thing she was asked was if she shook her baby. She was shocked to be greeted in this way. She remarked during the trial that although she knew they had the obligation to do an investigation, it was started so soon. I'd say not soon enough if it was SBS. You see, courses on reporting child abuse instruct professionals to report any suspicion of child abuse or neglect immediately. But Mariah was admitted into the hospital at about 2 p.m. The call to Social Services was made at 5 p.m. How many medical procedures were done in that three hour period? It was brought out in cross-examination that just about every doctor had made some kind of mistake, misinterpretation, overlooked something, forgot to mark something in the chart, left out data, mishandled and mislabeled lab fluids and tests. Even Fisher said in her summation that "Yes, they made 150 mistakes. But does anyone of them look like someone who would turn their backs on ...". I believe that child abuse was reported when the hospital knew that Malcolm was aware of the doctors' fatal errors and that was the only way it could cover itself. Michael Dowd, the defense attorney, made the observation: wasn't it interesting that all of the doctors from LIJ were being represented by the same law firm. Odd coincidence.

The Scoons stayed at the hospital two and a half days from 2/19. The evening of 2/21, they decided to go home to shower and change clothes, and return to the hospital. They weren't home an hour when four detectives arrived at their front door. Another coincidence? The detectives said they were there to question Malcolm. Lois invited them into the living room. The police said the questioning had to be done at the precinct. At around 8:00 p.m. the Scoons were taken to the police station in separate police cars. They were questioned separately and kept there for 12 hours.

At LIJ, Mariah was medically determined to be brain-dead. The staff asked Lois if she would donate the baby's organs. When she finally said no, they moved to take the baby off the respirator; if you can't harvest the organs, then why not. With intervention by a religious leader the baby was scheduled to be transported to St. Vincent's Hospital. Its administrators tried to block the admission of this baby. Bad press, you know.

But the baby was admitted and even though the Scoons fought to get it to do everything possible to maintain their baby's life, the hospital policy was to give only minimal care. The Scoons wanted to provide every opportunity for a miracle recovery.

They visited Mariah every day. But on 3/13, they were called to the hospital saying Mariah was unstable. They came immediately to reaching into her bed to touched their baby. When she stabilized, Lois sent Malcolm back to work. Several times one of the doctors asked Lois if she wanted to hold her baby. Lois has been hesitant throughout. She was concerned that in the very short time that it took to disconnect and reconnect the respirator tube from the fragile baby and place Mariah in her arms might be enough to kill her. The doctor lifted Mariah out of her bed, disconnected the respirator, placed her in her Lois' arms. The baby's heart stopped.

An autopsy was done immediately. Amazingly enough, the autopsy reports concurred with the carbon copy opinion of the doctors. You don't come to a conclusion in opposition to the facts unless you've got a strong bias or you are ordered to do so.

Prosecution: The Assistant District Attorneys (ADAs) Marjorie Fisher and Lucinda Suarez were the prosecuting attorneys for "the People". Both of them had an arrogant edge. After a couple of days of hearing the court clerk announce "in the matter of "The People against Dr. Malcolm Scoon", I thought, "No, it is not the people who are mounting this case, it is the hospital and they're using the DA's office as their lawyers. They want this case as a feather in their cap, a human trophy... to flaunt the unbridled power of the state prosecutors. Maybe they should be called executioners.

Fisher gave the opening statement. In effect, she said that Dr. Scoon "snapped" and shook his baby to death. She took a phrase out of context from the video-taped statement he gave at the police precinct at 3:30 a.m. after being awake for three days and blew it up into a dramatic act of what never really happened for all the jurors to see. Then one by one, in came seventeen witnesses, fourteen of whom were doctors (could they have been trying to bankrupt the Scoons?), to give their expert opinions as to the cause (that none of them witnessed) of the baby's injuries and her death. It was all speculation. But because they were doctors, published articles, held positions on important committees and in hospitals with large reputation, earned large salaries, testified in court for large sums of money, their opinions were more valuable than people who offered reasonable explanations for what happened to Mariah.

I listened to the contrived definitions of these doctors, some local, some flown in from Iowa and Canada. I heard them speak so definitively about their conclusions of SBS, as if they were facts. They tried to establish the definition of Shaken Baby Syndrome (SBS) which implies a cause.

Here is an example of the medical incompetence: Nurse Dennis from LIJ said that she took crummy notes when Mariah was admitted. There were no medical record for the first 40 minutes. Dr. Silver was asked about the first blood sample drawn from Mariah to go for testing because there was a question of her having bacterial meningitis, their

early diagnosis. It was uncovered that the sample went for testing 40 hours after it was drawn, it was probably refrigerated and that there was no notation of the antibiotics she was receiving at the time. Dowd brought it to his attention that the lab manual said that in order for test results to be valid, blood must be tested within 8 hours, must not be refrigerated, and antibiotics/medication administered to patient must be noted on request slip. The results were triply invalid. Silver's response was that he was not familiar with the lab manual protocol. Dr. Goodrich who made the pronouncement of brain-death, looked at two CT scans and testified at how they showed a rapid deterioration of Mariah's brain over time. When the defense brought to his attention that the scans were taken only minutes apart, he look flustered and admitted his error in interpreting the images.

Dr. Silver stated that Mariah was well until this sudden neurological catastrophe. She absolutely was not! He said that SBS is a precise term. Wrong again. It is a syndrome with a theoretical model, meaning they can not reproduce it. They do not know what kind of degree of force actually causes these injuries. There is noteworthy disagreement in the medical/ scientific communities, however. Some say that it is impossible to generate the gravitational force to cause injuries of this severity without impact being part of the scenario. They all agreed that the force required to produce these injuries had to have been equivalent to being thrown from a 4th story window or hurled from a car in a crash. Silver also said that he had seen about 25 "SBS" babies who, like Mariah, had not a mark on them. How, I kept asking myself, can they believe that it is possible to generate enough force so that "to an observer it appears the baby's head would fly off" with no grip marks, with no neck injuries, with no chipped vertebrae, and no fractured bones? I believe that vaccine injuries and deaths are being hidden in this "syndrome" in the same way they have been hidden within the mis-diagnosis of "Sudden Infant Death Syndrome" for some 30 years. Vaccination sets the internal biochemistry haywire while the exterior is unaffected, like in resulting "autism", deafness or paralysis. Vaccines can turn the inner world to chaos.

The myriad doctors all said nothing but shaken baby syndrome could cause the type injuries Mariah had. There were days of testimony on her eye injuries alone. But they didn't bring in the iatrogenic (doctor/ hospital/ medicine-caused) factors, so critical, so glaring. They all made their conclusions and worked backwards to substantiate them. I am not surprised. This is the modern way science incorporated is done nowadays. Of course, there is a diagnosis called Tursin syndrome, coined in 1904, which describes the very same brain and retinal hemorrhages seen in Mariah. No cause is implied because it is simply an observation. One doctor called it a "waste basket diagnosis". For that matter, so is SBS. The only difference is that with SBS the cause is assumed and firmly believed without any witness or evidence. Diagnoses, syndromes,

assumptions, conclusions drawn so far from the pure science and actual fact, like taffy, fall apart the farther you draw them.

When the pediatrician testified, Fisher asked him if he had discussed "doubling up on the shots". He replied that he never heard of the term. But if you look at his records, he spread them out and gave some every month. It certainly looks like that is what he was doing. He gave Mariah vaccines when she was the equivalent of 12 days old, one month and 12 days, and 2 months and 6 days. That's one and one-half months early, and three or four weeks apart. The norm is 2, 4, and 6 months of age.

They brought in Dr. Alandy from the Manhattan medical examiner's office. Color slides of the baby's body, organs, and microscopic tissue slides were admitted into evidence. With all the inconsistencies, here is the most unbelievable piece of non-evidence they used to make this diagnosis of SBS stick. In autopsy they found one 1/2" pink bruise in the fatty tissue on the back of the baby's right arm, two inches below the shoulder, invisible on the skin. This, they claimed, is the damning evidence Mariah was violently shaken. The prosecutors admitted that this baby was handled by dozens of hospital staff over the three weeks she was in two hospitals. The pinkness indicated a recent bruising. When the defense brought this out, the prosecution brought in another doctor from the Queens medical examiner's office at the 11th hour to say the tiny bruise was really tan to brown and dated it back to February 19th. But Dr. Mastry, the neuropathologist who prepared the microscopic slides, did not conclude that Mariah's death was caused by shaking. Interestingly, she was not called by the prosecutor to testify.

The prosecution was hell-bent on its goal of sending this man to prison. Why? Were they directed to silence him? Could it be because Long Island Jewish Hospital needed to hide their wrongdoing or malpractice at all costs? The prosecution seemed to spare no trick, tactic, or impropriety to influence the jury. For instance, Fisher tried to get a chart entered into evidence that her team had made up. The defense objected and the judge agreed. She then took this large chart and propped it up in front of her table in full view of the jury. When the defense shouted its objection once again, she threw up her arms and waving them about wildly shouted back, "I forgot, I forgot, it was a mistake. Aren't I allowed to make a mistake." The ADAs periodically reminded the jury that they were not required to prove a motive, but they sure did infer malice of forethought. At some point the prosecution realized that and went back to its position of "I don't know why he did it", still, of course, inferring that he did something hurtful. Their blatant disregard for "due process" was disturbing. These ADAs are an innocent person's worst nightmare.

I must apologize in advance for the following likeness, but honestly, it came to me as I watched these two strut and posture, gesticulate and bark out questions in the

courtroom. I have seen Nazi footage shot of their treatment of people in ghettos showing the Gestapo's loathing and disdain, their utter disgust for those who they believed were so different from themselves.

After a week or so one juror, a pediatrician, said that she had a conflict with her work schedule. She was dismissed. Too bad, she was the only "peer" of Malcolm's in the jury. Some days later, another juror came forward asking to be excused. He said that he had developed such great dislike and prejudice against the prosecutors that he would be unable to render a fair verdict. Was it against them or the fact that their case was without merit? If it was the second reason, his presence on the jury would be important. He was not questioned about it and he, too, was excused.

The most misleading factor in the case was the use of the term "healthy" to describe this frail baby. The definition chosen by the prosecution was one who grows, can suck and excretes. Even sick ones do that. The norm, average people, live with frequent dis-ease and periodic medicating, yet in wanting to be thought of as "good enough" = "normal" = "healthy". So, the definitions get warped.

A detective on call on 2/19/96 was sworn in as a witness to introduce the video made of Malcolm Scoon's statement to the police. It was shown to the jury. In it, Malcolm was told that he was not required to give a statement without a lawyer present. He cooperated fully and spoke without hesitation. Despite his exhaustion, he was clear, cooperative, and detailed. He did not contradict himself, answering all questions asked of him, relevant or no. He was polite when Suarez interrupted him, led his responses, and put her own "facts" into his sentences. How was he to know they were weaving a criminal case around him. He described Mariah's birth, the doctor's visits, her vaccination and reactions, the trip, and what happened the morning of 2/19.

The ill-fated word here was 'shake'. That is all they needed to hear. Any and everything else he said was disregarded. In the video, Suarez gave him a small limp rag doll and asked him to demonstrate what he had done to Mariah. Although Malcolm carefully placed his fingers behind the doll's head explaining what he was doing and why, it flopped this way and that with even a small amount of motion. Nothing he demonstrated could have caused even a frail infant's injury. All the doctors agreed.

Defense: Lois Scoon had been not been allowed to observe the prosecution's case in order to be called as a witness in her husband's defense. I spoke with her several times. She is a confident, articulate woman with an unwavering faith in God and in her husband's innocence. She sat outside the courtroom for the first half of the trial accompanied by her pastor, sometimes her sister (a baby nurse), fellow parishioners, and other family members.

Michael Dowd called Lois as his first witness. When she took the stand she was mostly calm, well-spoken, deliberate, detailed and attentive. She answered Dowd in clear and concise sentences. The jury learned that she was well-educated and that she herself had been a social worker who, at times in her career, had made home visits to people accused of child abuse. I could not help but wonder if she had ever questioned her use of the power that the state had "given" her. Dowd brought out her commitment to have a child by asking about the difficult medical route of in-vitro fertilization.

In cross-examination, the prosecution tried to corner Lois between two scenarios: <<So, you were an attentive mother, well-read, concerned. Right? If your baby was so sick, why did you leave for 6 hours and not call home? If your baby was not so sick, how can you explain her brain injury and bleeding retinas?

Fisher tried every trick to build a case of overwhelming and unmanageable stress which supposedly "caused" Malcolm to "snap". She make up lies <<Isn't it true your husband made you cut up your credit cards?, <<what about debt from a past marriage? Even though the jury was instructed to disregard it, they still heard it.

Suarez punctuated each question to the defense's witness with, "Correct, Doctor?", squawking like a pirate's parrot. And whenever the defense's witnesses, in cross-examination, began to utter explanations that the ADA did not want the jury to hear, she would interrupt them. This was objected to some of the time; the judge had to reprimand them both throughout.

Drs. Leestma, Barnes, and world renowned Enid Barnes testified for the defense. They insisted that Mariah had advanced bacterial meningitis. Why didn't they make any connection with the 2 doses of meningitis vaccine the child was given? Even the vaccine producers admit that a vaccination can give you the very disease they claim it prevents. Was Dowd concern about polarizing his own medical witnesses? Even the government acknowledged vaccine injuries.

Fisher challenged Barnes' diagnosis saying, where is the organism that caused meningitis. Barnes said it is extremely rare to see them but the slides depicted certain types of white blood cells tracking infection to the brain along the blood vessels. Fisher's doctors all said an absence of the organism means no meningitis. After presenting these four very credentialed doctors, the defense rested its case on April 1st. Were there more witnesses? Had the lengthy and costly prosecution's case forced the truncation of defense's case?

The Summation: Dowd gave an impassioned speech to the jury, beseeching them, whatever they were considering, to use their hearts and their humanity, realizing that they must consider if there was a reasonable doubt in the case made by the

prosecution. He reminded them that we all have rights-the lawyers, the judge, the observers,-that we each have the same rights, that each of us would want only the highest quality of decision made by thoughtful people. Somehow, I heard a plea for leniency even if they thought him somewhat guilty. How did the jury interpret this preoccupation with "the way the system works."

The defense chose a singular focus: meningo-encephalitis as cause of death. I think this narrow single-pointed approach was a major flaw in its case. It's just another medical opinion and everyone knows that doctors disagree. Medical experts were brought in to refute the diagnosis of "shaken baby syndrome" claiming that all of the injuries that the baby displayed were caused by overwhelming infection. It should not have been pitting one medical opinion against another, but rather developing as many scenarios as possible, exploring the full spectrum of "reasonable doubt". As you have read, there were many. As my colleague, Walene James, author of "Immunization: The Reality Behind the Myth" said in a recent letter, "...we have to do more than counter 'their' data with more data, ...we'll run out of time, energy, and money long before our opponent does."

Fisher's summation was mechanical; she skillfully picked up each of the threads she spun throughout the twenty three days of the trial and drew them together into a neat fabric called "guilty". She reminded the jury again that the prosecution was not required to establish a motive, and yet her hypothetical story that Malcolm "snapped" was used throughout as if it were so.

Fisher picked apart Lois' testimony saying that she was living in a delusional world, that after losing her baby she couldn't bear the idea of losing her husband and so she was lying. Fisher said, in effect that no one in touch with reality, would call what the Scoons lived through as 'no stress'. I feel that the defense could have made Lois' experience of 'no stress' more understandable to the jury by explaining how she was dealing with stress. Actually their large and loving network of family members and church "family" enabled the Scoons to deal with those difficult times. The fact of the matter is that the real stress and debt came from the DA's wreckless decision to take this case.

These accusations act as filters in looking at evidence; it is difficult to see the evidence itself. In her last minutes, Fisher asked the jury to pay particular attention to certain pieces of evidence: Malcolm's video taped statement at the police precinct, Lois' testimony, the phone records, the EMS and fire reports. She finally "rested". I looked at the faces of the Scoon extended family. They looked to me the way I felt... stunned.

I once watched a nature show which depicted hyenas, strong and fierce animals; they run fast, have good survival instincts. Their foremost enemy was a very small wild dog called the dingo. Alone they are not much of a threat. But they don't work alone. I watched as a pack of dingoes singled out one of the hyenas and began to bite at its ankles. Alternately nipping and retreating, unceasingly wounding, first one, then the other, then the first until the hyena, weakened from loss of blood and exhaustion, collapsed; the dogs feasted. I watched Suarez and Fisher act like those wild dogs. They were out for blood.

What drives people in this way? I asked an activist in the home birth movement; she said: Performance ego. Historic victimhood of women. Hostility against parents. Women against men.

It was my feeling throughout that the prosecution spoke more plainly, more matter-of-factly than the defense. The prosecution questioning was simpler, easier to follow. Dowd's questions rambled, they were convoluted and at times even he lost his line of his questioning because of it. The bottom line is this: if the jury doesn't understand it, it's useless.

Shortly after the jury began deliberation, they asked for the very documents referred to by Fisher. The next day the jury reviewed the transcript of Dr. Peter Barnes (a defense witness who did not eliminate the possibility of death caused by shaking, although it was at the bottom of his list) and the documents describing Mariah's eye injuries.

Although the jurors were selected as a non-sequestered jury, a few days before the end, the prosecutors made a motion that the jury be sequestered to keep them insulated from the media coverage which they said had already occurred at notable times during the trial. After settling possible hardships a few might suffer, the judge decided to, indeed, sequester them. I wonder how much the undesirability of being kept away from family and friends over a weekend influenced their one and one-half day deliberation. The jury reached and revealed its verdict at 4:00 that Friday. Lois said that everyone, including the prosecutors were shocked that they found Malcolm guilty of the top charge: manslaughter in the second degree.

I was told that after the jurors, some of whom were in tears, brought back a verdict of guilty, the prosecutors walked out into the hallway where their colleagues clapped for them. What a sad commentary.

The Scoons are preparing an appeal. They will not rest until Malcolm's innocence is recognized. [end]

You may send any letter of support for Malcolm and Lois via this newsletter. The Scoons have established an appeal Defense Fund. For more information and to contribute, please call Pastor Tony Fontele at 718-276-0300.