

# The Florida Criminal Law *Newsletter*

## 16<sup>th</sup> Annual FACDL Conference

*Outstanding Format, Speakers,  
and Accommodations*

They call it the Ritz for a good reason. The Sixteenth Annual FACDL Conference was easily one of the best seminars in the organization's history.

Held at the Ritz-Carlton in Manalapan, Florida, the conference provided upscale accommodations at an affordable price.

The outstanding format for the seminar began with CLE education between 7:30 a.m. and 1:00 p.m. This unique format allowed attendees and their families to enjoy the five-star resort together. Most seminars run much longer, thus depriving attendees the opportunity to enjoy their surroundings.

### Volume II, Issue 2

Special Report – The 16<sup>th</sup> Annual  
FACDL Conference

Directly Speaking – Government  
Tyranny and You

Cobb Law Firm – Grand Opening of  
new Crestview Office

## 'Shaken Baby Syndrome' Shaken

*'Syndrome' exposed as nothing  
more than a pseudoscience*

A concerned mother takes her infant child to her pediatrician. The baby is obviously sick to even the most casual observer. Tests are performed, and the pronouncement grim: *A subdural hematoma*, child abuse is suspected.

The mother and father are quickly visited by social services and law enforcement detectives. The child is taken from the parents, and the legal nightmare has begun.

For a long time, experienced criminal defense practitioners have been suspicious of the 'shaken baby syndrome' diagnosis. There are usually no eyewitnesses, no confessions, and all of the hard evidence concerning injury and causation fall under the purview of government paid "experts."

The experts testify beautifully for the state. They can quote treatises, theories and studies. However, they lack one

*See Pseudoscience, page 2*

critical piece to the puzzle:  
*Science.*

Dr. Ronald H. Uscinski, a Board Certified Neurosurgeon, shattered 'shaken baby syndrome' before a packed conference room as the last speaker at the Annual Conference.

Dr. Uscinski began by explaining his involvement with the forensic aspects of 'shaken baby syndrome' were quite accidental: As a practicing physician, he was asked to evaluate a case by another doctor. The question was simply whether, in his opinion, the injuries depicted in a brain scan were new or old. He quickly ascertained that they were old, and explained why.

Over the next few years, Dr. Uscinski began an exhaustive study of 'shaken baby syndrome,' starting with the original papers published on the subject as early as 1944.

What he found was disturbing: Application of the scientific method to the evidence used to justify 'shaken baby syndrome' actually shows that it *does not exist absent an impact injury!*

Obviously, this is a highly controversial position, and the audience was about as shocked as any ever witnessed at a CLE conference. However, Dr. Uscinski patiently and completely refuted every challenge posed.

Since there is simply no way this article can do justice to Dr. Uscinski's talk, ordering the CLE package from FACDL is a must for the practitioner who handles serious felony cases. The science of 'shaken baby syndrome' was seriously discredited in the well-known case of the British nanny. Dr. Uscinski is why.

## **FACDL Calendar**

**August 27, 2003** FACDL-OW monthly Meeting at the Black Angus, FWB at Noon

**August 12, 2003** Okaloosa-Walton Bar Association Monthly Meeting, Twin Hills Restaurant, FWB, 7 p.m.

**August 14, 2003** FACDL Board of Directors Meeting, Renaissance Hotel, Orlando, FL

**August 15, 2003** Kids, Cops & The Courts, Renaissance Hotel, Orlando, FL

**Sept. 19, 2003** Blood, Breath & Tears X, Wyndham Palace Resort, Orlando, FL

**Nov. 14, 2003** Showcase on Sentencing III, Radisson Riverwalk Hotel, Tampa, FL

*The criminal defense lawyer –  
Liberty's last champion*

# Directly Speaking

By Stephen G. Cobb  
JEditor, FCL Newsletter

## Government Tyranny and You

I have reflected deeply over the past few months about what it means to be a criminal defense lawyer. In fact, I have concluded that we are not really criminal defense lawyers at all. We are *constitutional* defense lawyers.

In an age of government by the powerful, for the powerful, our role has never been more important. Each time we enter a court of law, we face a stacked deck. Each year, the deck gets stacked even more as the government continues to use fear, especially of terrorism, as a justification to steal our freedom.

There are more examples of this hijacking of liberty than there is space available to fully discuss them: Here are just a couple:

On the federal level, people are detained without access to courts and lawyers in Cuba. One day we will learn that some of them are completely innocent yet were wrongfully incarcerated for years.

On the state level, one party rule has created a system where our judges are selected based upon politics and connection. People

deserve the best and the brightest, not the connected and biased.

As liberty's last champions, we must be vigilant in our mission to protect and defend the constitution. Every time our liberty is ripped away from us, it is always for 'our protection' or 'security.' If the people need protection, it is not only by the government, but also from the government.

All of us will either stand for something, or we will fall for anything. When people ask, "How can I defend someone who I know is guilty," I am proud to stand for the concept of liberty our forefathers and mothers were willing to die for: The right to a fair trial. The right to cross-examine witnesses. The right against being forced to give evidence against yourself. These, and other rights, were not given to us, they were fought for.

The struggle against tyranny is a never-ending one: Hitler, you may recall, was elected.

### **New Format**

**FCL Newsletter is new and improved. The Newsletter is now produced with color laser technology, thanks to Thomas Mason of Lanier Corporation and Arthur Cobb & Associates, LLC. For our new classified advertising section rates, call us today at (850) 423-0035.**

# **The Cobb Law Firm**

*The Criminal Defense Law Firm*

*invites you to the*

## ***Grand Opening***

*our newest office located at:*

**5170 S. Ferdon Blvd.  
Crestview, Florida**

*as we welcome*

***Walton M. Wilson***  
*Attorney At Law*

***Wednesday August 21, 2003***  
***11 a.m. to 1 p.m.***

## **Florida Criminal Law**

### ***Newsletter***

is published by  
**Arthur Cobb & Associates, LLC**

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