

Caledon Citizen

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Why 'junk science' has no place in our courtrooms

Let's hope the recommendation gets the attention it deserves from Justice Stephen Goudge, who is currently conducting a public inquiry into the role played by Dr. Charles Smith in securing criminal convictions based on his erroneous autopsy findings.

Although the Goudge commission's mandate deals with only about 20 cases where Dr. Smith's now-discredited testimony led to criminal charges against caregivers (usually parents) whose infants died mysteriously, two forensic pathology experts recommended last week that Ontario thoroughly re-examine up to 200 autopsies on dead children.

Under the proposal, the review would concentrate on convictions based on the findings of others than Dr. Smith, particularly by those on his team of pathologists at Toronto's Hospital for Sick Children who shared his "think dirty" philosophy, which saw criminal activity behind unexplained phenomena that had been labelled Sudden Infant Death Syndrome (SIDS).

Such a review would include the manslaughter conviction of Jeffrey Smith, a teenaged father of twin girls, one of whom died mysteriously March 22, 1994, just four months after the twins were born three months prematurely, and after both had been rush to hospital many times with a variety of ills, none of which suggested they had been abused.

In that case, the only reason Jeffrey Smith was charged, apart from the pathologists' testimony, was that he was the only one home at the time Katie Smith died. In the jury trial, where he faced a charge of second-degree murder, there wasn't a scintilla of evidence that he had ever become angry at the twins, much less struck them.

Based on what we now know, Katie's death was almost certainly from natural causes related to the prematurity of her birth. The fact that the jury rejected the Crown's bid for a murder conviction, finding only manslaughter, is surely small comfort to Smith, who now is still labelled a child killer in the eyes of the law.

The call for review of the other autopsies came from Dr. John Butt, one of three renowned forensic pathologists who conducted a detailed review last year of 43 autopsies Dr. Smith performed between

1991 and 2004. It followed two weeks of revelations at the inquiry about substandard practices and a discredited "think dirty" philosophy that prevailed in the Office of the Chief Coroner during the 1990s, a philosophy which we think could be traced to the Sick Kids team.

James Lockyer, a lawyer for eight people who say they have been wrongly convicted of killing their children in cases involving Dr. Smith, has signalled that he will urge Justice Goudge to recommend a full autopsy review.

Lockyer asked Dr. Butt, Dr. Crane, and a third reviewer, Dr. Christopher Milroy, why defence lawyers, prosecutors and Dr. Smith's fellow pathologists could not bring themselves to blow the whistle on his shortcomings or failed to notice them.

Dr. Butt said that doctors are notoriously unwilling to testify against their brethren. He said pathologists are also accorded so much respect within the court system that they become comfortable testifying about medical matters that go far beyond their knowledge and training.

The CBS program 60 Minutes dealt with the fact that for years the Federal Bureau of Investigations (FBI) had been securing convictions based on a now-discredited theory that bullets used in murders could be traced to a single box.

The "bullet lead analysis" was used by the FBI for 40 years in thousands of cases, and some of the people it helped put in jail are likely innocent. One such is Lee Wayne Hunt, now 22 years into a life sentence for murder in North Carolina.

Hunt was convicted in 1986 of murdering two people based on the testimony of two questionable witnesses and what turned out to be erroneous ballistics testimony from the FBI lab. For years, the FBI believed that lead in bullets had unique chemical signatures, and that by breaking them down and analyzing them, it was possible to match bullets, not only to a single batch of ammunition coming out of a factory, but to a single box of bullets. And that is what the FBI did in the Hunt case.

"I think everybody in the courtroom assumed that this was valid evidence," Hunt's lawyer said. Clearly, such evidence has no place in any courtroom.



Our Readers Write

Support the CPCC/OEYC

On behalf of the Bolton & District Home Child Care Providers Network, I would like to wish the CPCC/Early Years Centre (the toy library) a very happy 20th birthday!

Over the years the centre has been a tremendous support for our network of caregivers. All the local children have benefited from this great place throughout the years. I go weekly to the centre and notice that they are asking for "birthday donations" - supplies to help them.

Local play top-notch!

I was fortunate enough to attend the premier of Who We Are, created by STAGE (Student Theatre for Awareness Guidance and Education) Nov. 28 at the Blackhorse Village Players in Caledon. In my humble opinion this performance would rank with any big stage production. It exposed victimization with lightning bolt impact. This play has real life drama underpinning a stellar performance by the cast. It was amazing to watch these students, with no experience in writing plays and performing on stage, create a production that is refreshing, funny, heartwrenching and heartwarming. My wife and I were both moved to tears on a number of occasions throughout the performance. The students wrote their own music and script and it was fantastic.

I personally would try and move mountains to ensure that the STAGE project is created in every community across the country.

The message is clear and the feelings it evokes are profound. The reality of what is really happening to many children and teens (our future), every day across this country, is really frightening. We all need to listen and learn from these students!

Their performance was nothing less than five star, award winning, passionate and real!

TDL
Bolton

Due to budget cuts some of the funding is not available any more so they are asking for craft and supply donations. There is a box at the centre for all donations.

This box is not filling up the way it should. The supplies are low and they are in great need of new crayons, markers, chalk, pastels, pencil crayons, pencils, foam sheets, foam shapes, foam stickers, stickers, paper bags, paper plates, paper cups, plastic cup, styrofoam cups, tissue paper, construction paper pom-poms cotton balls, puzzles (wooden) glue sticks, newsprint, small zip lock bags, feathers, popsicles sticks, children's books.

Please let's all help them and donate generously to keep this program running the way it should! I know that they will thank you but your children will thank you even more!

Maria Falcone

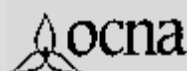
Thanking carriers, postal workers and garbage collectors

Christmas and New Year's are a commin and our junk will take a jump, Every week with the "lucky old sun" you retrieve it at the front, Rain, shine or snow, garbage, salvage and evergreens they await your welcome call, No load too large, no load too small, salvage or scrap you take it all, Our mail and papers, arrive daily to weekly, to box and home they appear.

A tip o' my hat, you are the best, you make our days, our weeks and year, Best wishes to you, for a joyous Merry Christmas and a Happy! New! Year!

Lloyd Bittle
Bolton

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