



Flawed Convictions: "Shaken Baby Syndrome" and the Inertia of Injustice

Deborah Tuerkheimer

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The emergence of Shaken Baby Syndrome (SBS) presents an object lesson in the dangers that lie at the intersection of science and criminal law. As often occurs in the context of scientific knowledge, understandings of SBS have evolved. We now know that the diagnostic triad alone does not prove beyond a reasonable doubt that an infant was abused, or that the last person with the baby was responsible for the baby's condition. Nevertheless, our legal system has failed to absorb this new consensus. As a result, innocent parents and caregivers remain incarcerated and, perhaps more perplexingly, triad-only prosecutions continue even to this day.

Flawed Convictions: "Shaken Baby Syndrome" and the Inertia of Injustice is the first book to survey the scientific, cultural, and legal history of Shaken Baby Syndrome from inception to formal dissolution. It exposes extraordinary failings in the criminal justice system's treatment of what is, in essence, a medical diagnosis of murder. The story of SBS highlights fundamental inadequacies in the legal response to "science dependent prosecution." A proposed restructuring of the law contends with the uncertainty of scientific knowledge.

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