

Shaken baby trial will focus on medical experts' testimony

Opening arguments begin in case involving Morgan County residents

Thursday, August 24, 2000 By TIM GURRISTER
Standard-Examiner staff

OGDEN -- The child abuse trial of Jenny Francis promises to be the battle of the medical experts.

The second-degree felony charge against Francis, 28, stems from an Oct. 12 incident where Madisen Porter, then 5 months old, suffered injuries consistent with Shaken Baby Syndrome

while Francis was baby-sitting her, according to the allegations.

Doctors say the child has potentially untreatable mental and eyesight problems.

In opening arguments Wednesday morning before 2nd District Judge Pamela Heffernan, the prosecution and the defense said the medical testimony would, respectively, convict and acquit the defendant.

The trial, scheduled to run through Friday, was transferred to Ogden from Morgan County because of the emotional tension in the rural county of 7,000 residents because of the case.

At issue in the trial are two subdural hematomas found in the child's head by Primary Children's Medical Center doctors. A subdural hematoma is bleeding between the brain and the skull.

Deputy Attorney General Craig Barlow said the first subdural hematoma was 7-10 days old, but was not accompanied by the labored breathing, pale completion, stiffening and other symptoms.

The newer subdural hematoma, plus retinal bleeding in both eyes, seizures, brain swelling, and

temporary paralysis on the left side of the body all occurred the afternoon of Oct. 12.

"During this time the defendant was the only adult present," Barlow

told the jury.

Barlow said he will call an expert to say in 25 years he's never seen a subdural hematoma lead to a second, or "re-bleed.

"But a defense witness will tell you he's seen it happen five times. You'll have to decide who you believe."

Defense attorney Edwin Wall said his witnesses will show the first subdural hematoma could

have triggered the second via its "re-bleeding" and that it could have been several months old.

"Jenny Francis is a good mom," Wall said. "She did not shake this baby.... She did not hurt this baby. Something else was going on."

Wall hinted at putting the spotlight on Madisen Porter's parents.

"There are a lot of facts the state doesn't want you to hear," he told the jury. "They put Jenny under a microscope. But they didn't look at others, or the

possibility of an accident.

"The government focused on Jenny."

Wall said the infant's parents only this May admitted to the baby's father playing a swinging game with the child, that involved holding the child in front with both hands and

swinging her from side to side.

"On Oct. 10, he was swinging the baby, and she usually smiled when he did this. But this time the baby tensed up," Wall said, and showed signs of discomfort.

Barlow told the jury in examining Jenny Francis "You'll have to ask yourselves "Why did this good person act so recklessly?"

He said the prosecution doesn't have to prove a motive,

"but we may give you additional information to consider.

That information, he said, will be evidence the Francis family was under extreme financial pressure, facing foreclosure on their home with a mortgage five months in arrears.

You can reach reporter Tim Gurrister at 625-4238 or tgurrister@standard.net.