

*Despite Day 4's proceedings, Alan was FREED! (See 2nd/3rd/4th/5th emails).
Sending you all everything I have on this.*

Alan Yurko Evidentiary Hearing: Day 4 ORLANDO, Florida---26 August 2004

The fourth day of the evidentiary hearing brought to the stand three witnesses for the prosecution, who found the body of evidence in this case does indicate that Alan was guilty of shaking his baby to death.

While it appears that Matthew A. Seibel, MD, Ben Guedes, MD and John Tilelli, MD truly believe that baby Alan died of injuries inflicted by the father, they also admitted to not taking into consideration certain medical records and his tragic medical history. Each witness also stated as fact things that defense witnesses and YP supporters find impossible to believe.

The first witness of Day 4 was Dr. Seibel--a pediatrician who, at the time had a thriving private practice and was a consultant for the county's child protection team. Dr. Seibel was called in to analyze the situation for possible child abuse. He explained that baby Alan arrived at the hospital in "grave condition" and was possibly "brain dead" by the time he examined him the evening of Nov. 24, 1997.

There was no doubt in Dr. Seibel's mind at that time baby Alan's rib fractures, subdural hematomas and retinal hemorrhages were the result of child abuse. "One has to suffer a severe trauma to have retinal bleeding."

The prosecution also asked Dr. Seibel if there could be any relationship between the administration of vaccines and baby Alan's injuries. "There is nothing in the medical literature saying vaccines cause retinal bleeding and subdural hematomas."

Point by point, the prosecution asked Dr. Seibel if baby Alan's injuries could be explained by the factors contained in his prenatal history, post natal complications or the treatment he received at the hospital. In each case Dr. Seibel said, "No."

Upon cross examination, Yurko attorney Mary Beth Fitzgibbons revealed several inconsistencies in Dr. Seibel's testimony, the most blatant having to do with the civil action he filed against Francine

Yurko (Alan's wife) for libel and slander regarding comments posted to the Yurko Project website. He claimed that he was demanding no monetary compensation from the suit. But, right on the lawsuit was a claim for damages of \$15,000.

Fitzgibbons asked Dr. Seibel if, presented with a child with all baby Alan's existing health issues, would he vaccinate? His response was (contrary to precautions on most vaccine package inserts) that these health issues "...are not an indication of withholding immunizations."

It was shocking to us all that these are the people responsible for maintaining the standard of public health.

The second witness was Dr. Ben Guedes--the emergency room physician who first saw baby Alan. Dr. Guedes testified that he immediately believed that baby Alan's condition was terminal. Within 6-7 hours he began administering heparin to "keep his veins open," but claims his treatment of baby Alan was not for the purpose of keeping his body alive for organ harvest.

Dr. Guedes was a very passive witness, sad really. He said that he has never heard of vaccines causing the kind of injuries suffered by baby Alan and admitted that, even though he agreed with the diagnosis of SBS, he did not keep up on the subject of SBS.

Like Dr. Seibel, Dr. Guedes did not review any material about baby Alan's medical history before coming to the conclusion that he was the victim of intentionally inflicted trauma.

The final witness was pediatrician John Tilelli, MD who at least reviewed baby Alan's prenatal history before testifying in support of the prosecution. Dr. Tilelli is a mouthpiece for the pharmaceutical industry. He stated that baby Yurko was admitted 13 days after being vaccinated, and it is impossible for his injuries to be related to the vaccines because the medical literature explains adverse reactions must occur within 72 hours to be considered as being the result of the vaccines.

Dr. Tilelli also claims, "There is no scientifically credible way to associate thimerosal with the injuries seen" in baby Alan. He also believes that the mercury in thimerosal is perfectly safe.

According to Dr. Tilelli, "This child had three high-risk injuries

associated with trauma." He gave "no scientific credence" to other opinions (those of Dr. Buttram, Yazbak, Orient, Gardner, et. al) on this subject. Baby Alan died as "...a consequence of inflicted injury."

The defense rested with Dr. Tilelli's testimony. It appears the State's case relies on the opinions of Drs. Seibel and Guedes, whose actions directly resulted in the 1999 conviction, and upon the opinion of a physician who uses a selective smattering of medical literature to support claims that baby Alan died of child abuse.

The defense will call Dr. Harold Buttram back to the stand and then plans to rest. It appears that the court will then recess for several hours then it will hear final arguments in the afternoon.

It appears that the Yurko Project has been able to prove its case and that a new trial will be granted. The prosecution did prove, however, that it believes Alan's conviction was warranted.

The truth can be inferred from the following: To believe Alan is innocent requires an independent review of the evidence and a holistic understanding of how the body works. Witnesses for Alan were unassailable in their logic and came from a broad background of experience to arrive at their conclusions about his innocence.

On the other hand, to believe Alan is guilty requires one to accept innumerable irregularities in the keeping of medical records; accept a mechanistic model of the human body as the governing principle of health; disregard the personal conflicts of interest inherent in the appearance of prosecution witnesses; and take on faith explanations that defy cause and effect relationships between toxins, medical complications and human physiology.

Please take this time to say another prayer and prepare for a victory in this case. But realize that when Alan is granted a new trial, our work will have only just begun.

Reporting from Orlando, Don Harkins for the Yurko Project

Thanks again, Don.

Grateful,
Peter, YP Webmaster
for

Alan, Francine, the YP staff--and Alan Ream Yurko

DONATION/CONTACT INFO

To donate online via secure PayPal (verified) service:

<<http://www.freeyurko.bizland.com/index.html#donate>>

To donate via check or money order, make payable to:

The Yurko Project

PO Box 585965

Orlando, FL 32858-5965

USA

For phone inquiries call Mrs. Francine Yurko at (407)-291-4344.

For e-mail inquiries Francine: FRANSWRLD@AOL.COM, Alan:

alanyurko@aol.com.

To visit the website: <<http://www.freeyurko.bizland.com/>

To view past updates:

<http://www.freeyurko.bizland.com/appealupdates.html>

To read a case overview:

<http://www.freeyurko.bizland.com/appeal.html>

----- Original Message -----

From: [Peter](#)

To: [YP Global](#)

Sent: Friday, August 27, 2004 11:09 PM

Subject: Alan is Free -

Peter here. This is a quick note to let you know that Alan will be out of jail--tonight, it looks like!

I was informed by phone, and the details are a bit sketchy, but apparently a "deal" was worked out via plead. Alan pleaded "nolo" to SBS, and guilty to manslaughter for time served. His feeling on the manslaughter is one of taking responsibility for allowing the vaccinations without sufficient investigation. My feeling is he's being a bit hard on himself, but one must do what he must.

I'm not sure of the reasoning and ramifications of the nolo plea. If any more details arrive, I'll keep you updated--but I may do it on the website, rather than via global emails, which consume larger amounts of time. So stay tuned up there. I've been quite swamped this week with

globals and emails, and am trying to respond when possible in timely manner. But if I don't respond, please know that all messages are appreciated, noted, and forwarded when needed as time permits.

If you have messages strictly for Francine and Alan, please use Francine's e-address, since Alan's will now require forwarding (or printing and mailing as in the past).

FRANSWORLD@aol.com

Well, what can I say, but wheeeeeewwww!

Grateful,
Peter, YP webmaster
for Alan, Francine, the YP staff--and Alan Ream Yurko

----- Original Message -----

From: [Peter](#)
To: [YP Global](#)
Sent: Monday, August 30, 2004 4:47 PM
Subject: YP Notice Correction - b

Dear Yurko Supporter

Good bad news :-)

A mistake was made in the previous statement of the hearing outcome. What I heard in that quick phone call was wrong, or I heard it wrong. Because the autopsy was invalidated, there could be no basis of guilt. Thus the murder charge was dropped. At first the judge granted a new trial, which really seems legally improper without autopsy evidence. However, immediately after that, further negotiation began. Beyond the murder charge, the manslaughter charge remained, and it is that to which Alan pleaded 'nolo' (no contest) and was released for time served.

I heard the person on the phone say he pleaded guilty to manslaughter (negligence), when that was simply a statement Alan made in court saying he felt guilty of negligence for allowing the doctors to vaccinate the baby. There was no sense in staying in jail perhaps two more years to hold a new trial on the manslaughter, so the nolo plea still allows further procedure to ascertain innocence, but gains him release. Thus, no guilty plea was entered, on a felony or otherwise.

So, everything is cool, except that the SBS matter was left up in the air. That is, we won't get to demonstrate its falsehood via this case. But nothing could really be done about it at this point, because it's unlikely that a new trial would even be held without autopsy evidence. So now we must engage a new path.

Hope this helps. Sincere apology for the confusion.

Grateful,
Peter
for Alan, Francine, the YP Staff--and Alan Ream Yurko, a very tough little guy who

suffered greatly in his short time, and who gave his heart for Truth.

From: [Croft Woodruff](#)

To: [infoline](#)

Sent: Saturday, August 28, 2004 7:32 PM

Subject: Dad freed from life sentence in son's death

You will note that the Judge - in his judgement - refuses to believe vaccines were at fault. What happened to Alan Yurko should happen to the judge, the prosecutors, and the physicians who were the real killers of Alan's baby...

Dad freed from life sentence in son's death
Alan Yurko, convicted of fatally shaking his baby, wins his release.

By Anthony Colarossi and Pamela J. Johnson | Sentinel Staff Writers
Posted August 28, 2004

Alan Yurko, sentenced to life in 1999 for shaking his baby son to death, is a free man today after a judge ruled a botched autopsy and other new evidence warranted a new trial.

Soon after Circuit Judge C. Alan Lawson's ruling Friday, Yurko reached a deal with prosecutors: He pleaded no contest to manslaughter and was sentenced to the time already served -- six years and 125 days.

Hours later, he was later released from the Orange County Jail into the arms of his wife and to the cheers of about 25 supporters, who have long maintained his innocence.

A broadly smiling Yurko emerged through the jail's glass doors shortly after 8 p.m. with a large white trash bag filled with legal papers and letters slung over one shoulder.

"God, I just want to go home," Yurko said. "I haven't really believed this is real until now."

He immediately thanked those who fought for his release.

"I can't begin to describe what the last seven years have been like," he said. "Right now, I'm focused on the amazing love around me. I couldn't have done this -- I didn't do this. It was all these people and thousands of other people."

In court earlier Friday, Yurko, 34, acknowledged some role in the November 1997 death of 10-week-old Alan Ream-Yurko.

"I do admit to an amount of culpable negligence in my son's death," said Yurko, explaining that he allowed the child to receive a series of vaccinations when he knew he was sick.

Yurko said outside the jail that he pleaded no contest because otherwise he would have had to spend two to three more years in prison awaiting the outcome of a new trial.

"I didn't shake my son. I didn't hurt him. I didn't abuse him," he said. "But I was negligent. He was premature, and I should have done research about vaccinations on the Web. I trusted the doctors. I assumed doctors knew what was good for my kid. This is about parents taking an active role in their children's welfare."

The Yurko case had gained international attention from many who thought the child's injuries were the result of poor health, vaccinations and medical mistakes -- not shaken-baby syndrome.

But the thrust of Lawson's ruling dealt with a deeply flawed autopsy conducted by former Orange-Osceola Medical Examiner Shashi Gore.

The report determined the baby was shaken to death, but the report had so many problems that the state Medical Examiner's Commission earlier this year barred Gore from performing autopsies after reviewing the Yurko case.

"I also find that the credible cause and manner of death cannot be gleaned from Mr. Gore's autopsy because of the very serious deficiencies that were found by the medical board and brought to light in this hearing and of course in other places," Lawson said in his ruling.

"Because of that I think it does cast doubt on the entire trial," Lawson continued. "I don't know how you can maintain public trust in a system of justice if you let stand a conviction obtained through reliance on an autopsy that is later so thoroughly discredited."

With what is known now about the autopsy, Lawson said jurors could have reached a different verdict after a second trial.

Gore's autopsy included a description of the baby's inner heart muscle, but Gore never examined the heart because it had already been removed for a transplant.

But evidence presented by Yurko's defense team questioning the baby's vaccinations, which were given nearly two weeks before he was hospitalized, was not a factor in the judge's decision.

"I also find that there is no reliable medical evidence that links the death directly to a vaccine," Lawson said.

Yurko's wife, Francine, wept after witnessing the plea and expressed the mixed emotions of having her husband back, but without a complete exoneration.

"By him taking a plea, he gets to come home," Francine Yurko said through tears. "But we're still victims of the system. We've still spent seven years of our lives to prove his innocence and restore the name of our family. And a plea . . . regardless of no contest, that's not a victory to me.

"We know he's innocent, and . . . that's all that really matters," she said.

Assistant State Attorney Robin Wilkinson said the prosecution still came away from the hearing with a conviction.

"For, I believe a week, we've heard that this child died of a vaccine reaction," Wilkinson said. "In the judge's ruling in court, he found that there was not credible evidence, that it's not been accepted by medical science, which leads to one explanation left . . . this child was shaken to death."

After reviewing the evidence, Wilkinson said she and fellow prosecutor Chris Lerner decided not to proceed with another trial and "end it now."

"That is not that we don't believe that Alan Yurko killed his child," she said. "We would have to put Dr. Gore back on the witness stand, and there's an issue as to errors that he made. . . . What this is, is it's a compromise between both sides."

Gore's career has been marred by several controversies since the late 1990s.

Most recently, Gore's ruling of an accidental overdose in the 1998 death of Jennifer Kairis, a student at Rollins College, was challenged by three current or former associate medical examiners who say it was a homicide.

Last fall, John Creamer, who was charged with murder in his wife's death and held without bail for 10 months, was released when Gore told the court he could not support his autopsy findings that the woman had been poisoned with cadmium.

Gore, who retired in late June, could not be reached for comment Friday, as he is traveling in Europe.

Friday night, Yurko said he would spend time with his wife and supporters, and then celebrate his stepdaughter's 11th birthday at home.

"I've been eating bologna sandwiches five days a week," he said. "I'm looking forward to some really greasy, nasty french fries."

Anthony Colarossi can be reached at acolarossi@orlandosentinel.com or 407-420-6218. Pamela J. Johnson can be reached at pjohnson@orlandosentinel.com or 407-420-5171.

From: dhua@uci.edu

To: dhua@uci.edu

Sent: Tuesday, August 31, 2004 9:46 AM

Subject: ICHF FLASH: ALAN YURKO A FREE MAN (News from the International Council for Health Freedom)

Hi everyone,

After six years and 125 days, ICHF is proud to announce that Alan Yurko is now a free man. Originally sentenced to life in prison for allegedly murdering his infant son in 1997, a deal was struck earlier this week between Yurko's attorney and state prosecutors that allowed Alan to walk out of Orange County Jail as a free man. Despite the outcome, there are still many questions left unanswered.

To read more about Yurko, the controversy, and his case, check out our article on at:
<http://ichf.info/archives/000063.php#more>

Please take the time to read through and send comments here. Thank you.
-ICHF

forwarded by

Zeus Information Service
Alternative Views on Health

www.zeusinfoservice.com

All information, data and material contained, presented or provided herein is for general information purposes only and is not to be construed as reflecting the knowledge or opinion of Zeus Information Service

Subscribe Free/Unsubscribe: info@zeusinfoservice.com

Feel free to forward far and wide!