

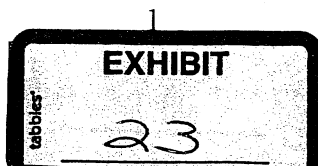
**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19TH JUDICIAL CIRCUIT**

RYAN FERGUSON,)	
)	
Petitioner,)	
)	
v.)	No.
)	
DAVE DORMIRE, Superintendent,)	
Jefferson City Correctional Center)	
)	
Respondent.)	

AFFIDAVIT OF STEVEN ABERN, M.D.

Now comes your affiant, Steven Abern, M.D., and states under oath as follows:

- 1) I am a board certified pediatric neurologist and I have been in private practice in the northern suburbs of Chicago for over 30 years. I am familiar with the clinical manifestations of adolescents that have substance, alcohol and neurological abnormalities. (Attached as Exhibit A is a copy of my Curriculum Vitae)
- 2) I have reviewed the following materials:
 - a) University of Missouri-Columbia evaluation of Charles Erickson dated November 26th, 2001.
 - b) Trial transcript of Delany Dean
 - c) Trial transcript of Elizabeth Loftus
- 3) From my review of the above records, it is my opinion that Mr. Erickson should have had a neurological examination prior to the Ferguson trial. If that exam revealed any



abnormalities, then neurophysiological and neuroradiological tests should have been performed.

4) These tests would, at a minimum, have identified any obvious neurological conditions that would have called into questions the credibility of Mr. Erickson's recollection of the events of October 31st, 2001 through November 1st 2001.

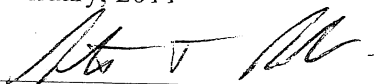
FURTHER YOUR AFFIANT SAYETH NOT.

Respectfully Submitted:

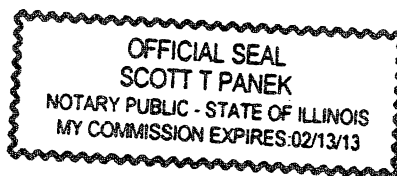


Steven Abern, M.D.

SUBSCRIBED and SWORN to
before m this 13 day
of January, 2011



NOTARY PUBLIC



Law Offices Of Kathleen T. Zellner, P.C.
Drake Oakbrook Plaza
2215 York, Suite 504
Oak Brook, Illinois 60523
(630) 955-1212

CURRICULUM VITAE

Steven Barry Abern, M.D.

DATE OF BIRTH: May 30, 1947
PLACE OF BIRTH: Chicago, Illinois
CITIZENSHIP: U.S.

ADDRESS: Office: 1875 Dempster - Suite 560
Park Ridge, Illinois 60068
Phone: 847/823-1001

Home: 2533 Virginia Lane
Northbrook, Illinois 60062
Phone: 847/559-1128

EDUCATION AND TRAINING:

Undergraduate:

1965-1969 Creighton University B.S. Biology
Omaha, Nebraska

Graduate:

1969-1973 Creighton University M.D.
Omaha, Nebraska

Postgraduate:

1973-1974 University of California Pediatric C.F. Abildgaard, M.D.
at Davis, Sacramento Intern
Medical Center
Sacramento, California

1974-1975 University of California Pediatric Eli Gold, M.D.
at Davis, Sacramento Resident
Medical Center
Sacramento, California

1975-1977 Children's Hospital of Pediatric F.J. Samaha, M.D.
Pittsburgh Neurology
Pittsburgh, Pennsylvania Fellow

1977-1978 Children's Hospital of Pediatric M.J. Painter, M.D.
Pittsburgh Neurology
Pittsburgh, Pennsylvania Fellow

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EXHIBIT

A

APPOINTMENTS AND POSITIONS

Academic:

1975-1978	Children's Hospital of Pittsburgh Pittsburgh, Pennsylvania	Teaching Fellow
1979-Present	Northwestern University Chicago, Illinois	Instructor in Pediatric Neurology

CERTIFICATION AND LICENSURE

Specialty Certification:

1978	Board Certified in Pediatrics	American Board of Pediatrics
1978	Board Certified in Neurology, with special competence in Child Neurology	American Board of Psychiatry and Neurology

Medical Licensure:

1973	Medical License	Nebraska
1974	Medical License	California
1975	Medical License	Pennsylvania
1978	Medical License	Illinois

MEMBERSHIPS IN PROFESSIONAL AND SCIENTIFIC SOCIETIES

1973	American Academy of Pediatrics
1975	American Academy of Neurology
1977	Child Neurology Society
1977	American Medical Association
1978	Illinois Medical Society
1978	Chicago Neurological Society
1986	International Child Neurology Society
1992	American Epilepsy Society

HONORS AND AWARDS

1969	National Institute of Health Medical Student Summer Training Fellowship Creighton University	R.F. Townley, M.D.
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PROFESSIONAL ACTIVITIES

Courses:

University of Pittsburgh, Department of Pediatrics, Medical Student, Physical Diagnosis, 1976.

University of Pittsburgh, Department of Pediatrics, Medical Student, Physical Diagnosis, 1977.

University of Pittsburgh, Department of Pediatrics, Medical Student, Physical Diagnosis, 1978.

HOSPITAL AFFILIATIONS

Children's Memorial Hospital	Chicago, Illinois
Lutheran General Hospital	Park Ridge, Illinois
Holy Family Hospital	Des Plaines, Illinois
Northwest Community Hospital	Arlington Heights, Illinois
St. Alexis Medical Center	Hoffman Estates, Illinois
Resurrection Hospital	Chicago, Illinois

RESEARCH ACTIVITIES

1976-1979

Clinical Investigation of Neonatal Seizures with M.J. Painter, M.D.

PUBLICATIONS

Articles:

Adelman, R. D., Abern, S. B., Merten, D., Halstead, Ch.H:
Hypercalciuria with Nephrolithiasis. A complication of total parenteral
nutrition. *Pediatrics*, 59 (3) 473, 1977.

Chyatte, C., Abern, S.B., Reddy, A.M., Botticelli, R.M.: Left-handed
people. *Irish Medical Journal*, 72 (12) 522, 1979 Dec.

Painter, J. M., Pippinger, C., Wasterlain, C., Barmada, M.,
Pitlick, W., Carter, G., Abern, S.: Phenobarbital and phenytoin in
neonatal seizures: metabolism and tissue distribution.
Neurology, 31 (9), 1107-12, 1981 Sep.

OTHER

Medical Director, Little City Foundation, Palatine, Illinois

Consultant to Special Education District 64, Schaumburg, Illinois

Consultant to Northwest Suburbs Special Education Organization, Arlington Heights, Illinois

Consultant to Special Education Program of McHenry County, McHenry, Illinois

Consultant to Division of Services for Crippled Children

Neurological Consultant, United States Navy, Great Lakes Naval Regional Medical Center

Neurological Consultant, Maryville Academy, Des Plaines, Illinois