

IN THE DISTRICT COURT FOR DOUGLAS COUNTY KANSAS
(Seventh Judicial District)

STATE OF KANSAS,)	
)	
Plaintiff,)	Case No. 2017CR385
)	
v.)	
)	
CARRODY M. BUCHHORN)	
)	
Defendant.)	

AFFIDAVIT OF CARL WIGREN, M.D.

Carl Wigren, M.D., being of lawful age and first duly sworn, upon his oath, deposes and states:

1. I am the same Carl Wigren who gave expert medical testimony at the trial of the above captioned case on July 23 & 24, 2018.
2. I have also provided a signed statement dated August 21, 2018 which is attached hereto as Exhibit A. Everything I said in my August 21 statement is true and correct to the best of my knowledge.
3. I have now been provided with a copy of the Preliminary Hearing Transcript that is dated September 21, 2017. I have reviewed my entire file and find it is not a part of that file, I was never provided with a copy of the Preliminary Hearing Transcript and never reviewed that transcript prior to appearing as a witness during the trial of this case.
4. From a review of my records, including my email correspondence with Mr. Morrison and Ms. Dersch, I cannot find any record of any mention of Dr. Mitchell's electrical interruption theory of death.

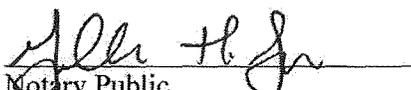
5. I prepared an expert report and I prepared a PowerPoint for presentation at trial. I have reviewed those documents and find that there is no mention in either of them of Dr. Mitchell's electrical interruption theory.
6. Had I been informed of Dr. Mitchell's electrical interruption theory prior to writing my report and preparing the PowerPoint presentation, and prior to giving my testimony at trial I would have researched the issue and addressed it in those documents and in my trial testimony.
7. As I have previously said, as a forensic pathologist I am not familiar with this theory, I have never heard it expressed and I have not been able to find any authoritative medical literature that supports it.

FURTHER AFFIANT SAYETH NOT.



CARL WIGREN, M.D.

SUBSCRIBED AND SWORN TO ME THIS.



Notary Public
Gabriella H. Spano

My Commission Expires:
07-07-2021



IN THE DISTRICT COURT FOR DOUGLAS COUNTY KANSAS
(Seventh Judicial District)

STATE OF KANSAS,)	
)	
Plaintiff,)	Case No. 2017CR385
)	
v.)	
)	
CARRODY M. BUCHHORN)	
)	
Defendant.)	

AFFIDAVIT OF CARL WIGREN, M.D.

Carl Wigren, M.D., being of lawful age and first duly sworn, upon his oath, deposes and states:

1. I am the same Carl Wigren who gave expert medical testimony at the trial of the above captioned case on July 23 & 24, 2018.
2. Since that trial I have been shown a transcript of the trial testimony of Dr. Erik Mitchell and have been made aware of the testimony he gave that blunt force trauma “transfer[ed] energy to the brain” of the child causing “a depolarization of the nerves” such that “the electrical signal of the nerves [was] interfered with” leading to an instantaneous or nearly instantaneous death. (See transcript of testimony of Dr. Mitchell, p. 54.) I will hereafter call this Dr. Mitchell’s “electrical interruption theory.”
3. From my years of experience in medical training, medical practice, performance of medical pathology, and from my on-going familiarity with developing medical literature in my field, I am unfamiliar with any mention in any authoritative literature of this electrical interruption theory.

Exhibit A

4. In addition, I have performed standard computerized research of the medical literature and cannot find any support for Dr. Mitchell's electrical interruption theory. It is certainly not generally recognized within the medical community, or within authoritative literature as a medical theory or theory of causation, and I cannot find any scientific basis for supporting it.
5. My May 7, 2018 report does not directly address Dr. Mitchell's electrical interruption theory and from reviewing my file I note that I was never requested to conduct any literature research of the issue and I did not do so.
6. I was never asked to consult with defense counsel relating to any decision they may have considered or taken concerning the filing of a motion asking the court to preclude Dr. Mitchell from testifying concerning his electrical interruption theory or to challenge its admissibility because it lacks authority within the medical and scientific community. I was never asked to express an opinion concerning whether Dr. Mitchell's theory was generally accepted within the medical community and whether it was supported by science.
7. Had I been asked, and had researched the issue, as I have done now, I would have told defense counsel that Dr. Mitchell's electrical interruption theory was not only unknown to me, but that it is not authoritative and I would have recommended that they also consult a neurologist, and particularly one with experience in pediatrics to determine whether the specialty of neurology recognizes Dr. Mitchell's electrical interruption theory.
8. I have also now reviewed my trial testimony and find that I was not asked any questions during my direct examination concerning this electrical interruption theory. Upon cross

examination the only question concerning electrical activity that I was asked was a single question on cross-examination that concerned “electroconductivity” to which I gave a qualified response subject to an explanation. I was never given an opportunity to provide the explanation. (See transcript of testimony of Dr. Wigren, p. 116.)

9. If my opinion is not already clear, I wish now to make it so. On the basis of my training, education, and experience, and my specific research into the matter, there is no support in the medical literature for Dr. Mitchell’s electrical interruption theory. That theory is not generally accepted within the medical community, indeed, other than Dr. Mitchell’s testimony in this case, I cannot find it expressed or accepted at all and I do not believe that any reasonable or prudent physician would rely upon this theory.

FURTHER AFFIANT SAYETH NOT.

Carl Wigren August 21, 2018

CARL WIGREN, M.D.