

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI  
19<sup>TH</sup> JUDICIAL CIRCUIT**

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

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**AFFIDAVIT OF STEVEN ABERN, M.D.**

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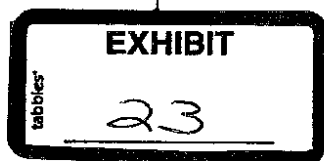
Now comes your affiant, Steven Abern, M.D., and states under oath as follows:

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 26<sup>th</sup>, 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

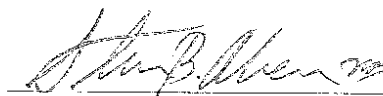


abnormalities, then neurophysiological and neuroradiological tests should have been performed.

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 31<sup>st</sup>, 2001 through November 1<sup>st</sup> 2001.

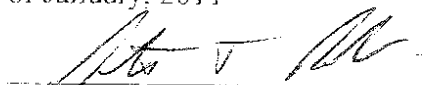
FURTHER YOUR AFFIANT SAYETH NOT.

Respectfully Submitted:



Steven Abern, M.D.

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



NOTARY PUBLIC



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