

DEVIN ALLEN BENNETT'S WRONGFUL CONVICTION AND DEATH SENTENCE

Devin Bennett was wrongfully convicted of the capital murder of his ten-week-old Brandon based on an outdated and misguided medical diagnosis of “shaken-baby syndrome” (SBS). After Brandon suffered an accidental short fall and eventually had trouble breathing, the State relied on the SBS hypothesis to charge, try, convict, and sentence Devin to death in 2003.



At that time of Devin’s trial, the prevailing view in the medical community was that, whenever a child presented with a particular “triad” of symptoms—subdural hematoma, retinal hemorrhages, and evidence of neurological/brain injury— (1) the child *must have been* the victim of either violent shaking alone or shaking with blunt impact; and (2) whoever had been caring for the child when the symptoms manifested *must have been* the culprit. At the time of Brandon death, SBS was essentially a medical diagnosis of murder, and reports of recent illnesses or short-distance falls were considered false explanations intended to conceal abuse. Devin’s jury thus heard unchallenged, but subsequently discredited, testimony that, where the SBS “triad” is present, abusive shaking must be presumed as the mechanism of injury.

The scientific understanding of the SBS hypothesis has shifted seismically in the last twenty-five years. The medical consensus and scientific evidence now show that many phenomena can cause the SBS triad, including short falls. But because in the early 2000s, the medical community presumed abuse when the triad was presented, Devin’s explanation of his son Brandon’s accidental short fall was outright rejected. Brandon’s records, when viewed with today’s more advanced scientific understanding, do not establish abuse, but indicate that his death was due to accidental causes.

Devin’s case is also troubling because it presents changes in the relevant scientific community as well as false testimony from Mississippi’s discredited former medical examiner, Steven Hayne. We now know (but did not at the time of Devin’s trial) that Hayne is responsible for noted wrongful convictions, untruthful expert testimony, unethical business practices, and being untruthful about his credentials. In Devin’s case, all experts agree and radiography shows that Hayne mistook normal developmental variants (called wormian bones) as a skull fracture. A conviction and death sentence based on false testimony from a discredited figure like Steve Hayne should not stand.

By all accounts, Devin Bennett was a loving father to Brandon. He was excited to be a father. He did not abuse or murder his son. And no one reviewing the evidence today could find the contrary beyond a reasonable doubt. Devin has filed a Petition for Post-Conviction Relief in the Mississippi Supreme Court. Mississippi should grant Devin an evidentiary hearing in post-conviction where he can continue to prove his innocence.