

AFFIDAVIT

State of Ohio)
) ss
County of Knox)

Before me, the undersigned notary, personally appeared Dr. Patrick Johnston, who having first been duly sworn, deposes and says:

1. I, Dr. Patrick Johnston, the affiant, state that I have personal knowledge of all matters set forth in this affidavit.

approximately
2. I am a doctor who has been practicing medicine for nine years. I have a practice that manages 5,000 patients and ~~X~~ my background includes a great deal of indigent care. My experience includes seeing and treating many electrical burns *and rashes.*

3. I spoke to John Freshwater during a radio show I was hosting on April 25, 2009. The radio show segment that included John Freshwater lasted approximately fifteen minutes. I learned of John Freshwater by reading about his situation through the media. During my research of reading about John Freshwater I learned about a situation involving the toy called Lego~~X~~s. It ~~was~~ my understanding a student brought in Lego blocks and scattered the Lego~~X~~s on the floor and explained how the Lego~~X~~s could not make themselves into any form absent human input. During the radio show I asked John Freshwater about the Lego demonstration. During the radio show John Freshwater did not introduce the topic of the Lego~~X~~s.

I contacted John Freshwater through an email or telephone call to confirm he could be on the radio show but we did not speak about anything we would talk about on the radio show prior to the radio show.

I liked hearing about the demonstration involving the Lego~~X~~s because the argument example could go both ways. If you pour out the Lego~~X~~s a trillion times, eventually some of the blocks may stack upon each other and form a shape which is similar to the argument for spontaneous formation of life and natural selection.

4. Based upon my education, training, professional development and experience if I were presented with the pictures shown to me by Attorney R. Kelly Hamilton which Mr. Hamilton stated depict an alleged second degree burn injury to an 8th grade student's arm supposedly caused by an 8th grade science teacher's experiment with an electrical device my first question would be:

A. Is the child a paralytic? Because the mark in those pictures is several inches long. If that is supposed to be a second degree burn caused by an electrical burn that child would have been screaming, writhing in pain to pull their arm away. Mr. Hamilton asked if I would expect a child to be pulling away or incapacitated as if

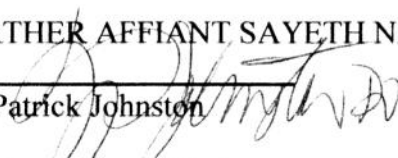
the child were being tasered by a law enforcement Taser and my answer is "yes." The effects of electrical applications are immediate as opposed to chemical contact which can be delayed. There is no way any ^{average} person would be able to stand there and experience a second degree burn without the person's reaction being immediate and the pain to such a high degree that they could hold still while the electrical application was occurring. Mr. Hamilton advised that the child said the electricity was applied for six seconds. There is no way the child could withstand a second degree burn for six seconds without pulling their arm away.

- B. My next question would be what is the history behind this situation? Yes, I agree medical diagnosis is 90% percent history. If the history is wrong or misreported or misrepresented then the diagnosis can be wrong.
- C. Based upon what I see in the pictures, what I am looking at is not a second degree burn. This could be dermatographia as evidenced by the hypo-pigmentation, ^{or} white halo around the red areas. To me this looks like a ^{cash} ~~hive~~ which potentially could be caused by tongue depressor. If this were an electrical burn, especially if someone claims it is a second degree electrical burn, I would expect to see greater trauma to the ^{dermis} skin and the history would include a description of someone in excruciating, screaming pain trying to get away from the electrical source.
- D. I would ask were others hurt and what were their reactions to the electrical application? I would expect other people who came into contact to be burned also.
- E. Looking at these pictures and being told this is a second degree burn my thought is these pictures do not show a second degree burn. I also would ask if there was something else that caused this? *Has a specialist surgeon skilled in burns been consulted*
- F. Attorney Hamilton asked if hockey equipment over a child's arm could cause this mark on the child's arm and I would say yes, but I would want to see the hockey equipment now that I think the history is suspect. *reason 2 had bc*

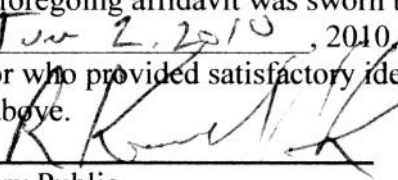
5. Based upon my education, training, professional development and experience I am aware that Ohio Revised Code §2151.421 creates a mandatory reporting requirement for certain professionals to report any abuse or neglect of a child under 18 years of age. Attorney Hamilton presented two pictures to me marked as "Board - Exhibit 7" and "Board Exhibit 8" and asked if I would have reported the alleged injury to children's services if the medical history included an allegation of an electrical burn. Yes, I would have reported the situation to the local children's services.

intentionally - inflicted

FURTHER AFFIANT SAYETH NAUGHT.

Dr. Patrick Johnston 

The foregoing affidavit was sworn to and acknowledged before me this June 2, 2010, 2010, by Dr. Patrick Johnston, who is personally known by me or who provided satisfactory identification and who did swear to the truthfulness of the above.


Notary Public