



United States v. Wood, 207 F.3d 1222 (10th Cir. 2000)

Topics Covered: Criminal Law, Criminalization of Medical Judgments

Outcome: Favorable

Issue

The issue in this case was whether a physician can be found criminally culpable for his exercise of medical judgment.

AMA Interest

The AMA opposes the criminalization of health care decision making.

Case Summary

Dr. Wood was tried for murder after he administered potassium chloride to a patient in extreme medical distress, who then died. At trial, experts for both sides gave diametrically opposed opinions as to whether Dr. Wood's action was proper and whether it caused the patient's death. The jury found that Dr. Wood had behaved recklessly and was guilty of involuntary manslaughter.

Dr. Wood appealed to the Tenth Circuit which then reversed Dr. Wood's conviction, holding that the trial court had prejudiced Dr. Wood through various procedural errors. The case was reversed and remanded for a new trial.

Litigation Center Involvement

The Litigation Center along with the Oklahoma State Medical Association, sought leave to file an *amicus* brief in support of Dr. Wood's appeal of his conviction. The brief contended that, because there was such a marked difference of opinion among the experts, Dr. Wood could not have been found to have acted improperly beyond a reasonable doubt. The brief also argued that Dr. Wood should not have been found criminally culpable for his exercise of medical judgment under the extreme circumstances of this case.

The Tenth Circuit, without explanation, denied the Litigation Center/OSMA request to file the *amicus* brief.