GMC hears case against paediatrician in Sally Clark trial

Clare Dyer *legal correspondent, BMJ*

The retired consultant paediatrician Roy Meadow gave "misleading and flawed" evidence in the trial of Sally Clark, a mother accused of murdering her two baby sons, the General Medical Council heard this week.

Robert Seabrook QC, for the GMC, said Professor Meadow had breached his duties as a medical expert witness and "misused" statistics and research in his evidence to the jury at the 1999 trial of Mrs Clark, a solicitor, whose conviction was overturned on her second appeal in 2003. Professor Meadow, 72, denies serious professional misconduct.

Mr Seabrook QC told a GMC panel in central London that no one wished to deny Professor Meadow's achievements over the course of a long career. The 20 day hearing would be concerned solely with the misuse of statistics and research.

Professor Meadow "either didn't understand what he was doing, should not have given

evidence and was incompetent to do so, or he was using the information carelessly in support of the proposition that Sally Clark smothered her babies," said Mr Seabrook. The result was the prosecution of "a woman of good character for the murder of her two babies."

Mrs Clark's first son, Christopher, died at the age of two and a half months in September 1996. After a postmortem examination his death was attributed to a lower respiratory tract infection. In 1998 her second son, Harry, died aged two months. The pathologist who carried out autopsies on both babies put the second baby's death down to shaken baby syndrome. The pathologist contacted the police, and Mrs Clark was later charged with murdering both babies.

Mr Seabrook said it was the GMC's case that Professor Meadow's evidence during the criminal proceedings and subsequent trial was misleading and flawed. The panel heard that Professor

Meadow told the initial hearing at Chester Magistrates' Court that the odds against two cot deaths in a family were one in a million."

Later, in evidence to the jury, he said the risk of two infants dying of sudden infant death syndrome in a home like Mrs Clark's was one in 73 million. He explained that the probability of a single death from sudden infant death syndrome in a non-smoking household where the mother

was aged over 26 and with at least one wage earner was one in 8543, and he squared this figure to produce one in 73 million.

He added that the chance of two genuine deaths from the syndrome in one family arose "once in every hundred years" and that the odds could be compared to that of four different horses winning the Grand National in consecutive years at odds of 80 to one. □

The paediatrician Roy Meadow arrives at the GMC hearing in London

Court hears shaken baby cases

Clare Dyer *legal correspondent, BMJ*

The Court of Appeal in London was asked this week to quash the convictions of four parents or carers convicted of killing or injuring babies by shaking them, in a case that could change the way courts deal with cases of shaken babies.

The four were convicted solely on the basis of expert evidence that had now been thrown into doubt, Michael Mansfield QC told Mr Justice Gross, Lord Justice Gage, and Mr Justice McFarlane.

The judges were told that research since 2001 had led to a reappraisal of the triad of features seen in shaken baby syn-

drome: swelling of the brain, bleeding in the tissue between the brain and the skull, and bleeding behind the eyes.

Mr Mansfield said new studies indicated that the features once considered classic signs of shaken baby syndrome could result from other causes.

Three of the four cases come from a review ordered by the attorney general of convictions for child killing resting solely on medical evidence where experts were in dispute. The trawl followed the appeal court's judgment in the case of Angela Cannings, whose conviction for killing two of her babies was

quashed on appeal. The judges ruled in her case that no prosecutions for killing a baby should be brought in future solely on the basis of disputed medical evidence, where there was no other cogent evidence.

The four appellants are Raymond Rock, serving life for murdering his girlfriend's daughter, Heidi Davis, aged 13 months, in 1998; Lorraine Harris, jailed for the manslaughter of her four month old son, Patrick McGuire, in 2000; Alan Cherry, convicted in 1995 of the manslaughter of his girlfriend's 22 month old daughter, Sarah Eburne-Day; and Michael Faulder, jailed for two and a half years in 1999 for causing grievous bodily harm to a boy aged seven weeks, who later made a full recovery.

Three papers by Jennian Geddes, consultant neuropathologist at the Royal London Hospital, are crucial to the defence case, but Dr Geddes admitted under cross-examination that there was an error, previously unacknowledged, in her third paper and that further research was needed.

After learning this, the prosecution counsel, Richard Horwell, applied to the court to halt the hearing and have all the appeals dismissed on the ground that the prosecution no longer knew what case it had to answer.

But Lord Justice Gage said it would be wrong not to allow the appeals to go ahead, because the cases depended on individual circumstances which might be affected by the fresh evidence from the medical experts. □