

PRIVATE EYE

SPECIAL REPORT **PART 30**

Women & Children's Building

MATERNITY EMERGENCIES

The Chester Childbirth Appeal

Shop & Cafe

THE LESSONS OF THE LUCY LETBY CASE

DR PHIL HAMMOND (MD)

THE LUCY LETBY CASE: PART 30



Prosecution error

ON 30 September, Dr Dewi Evans, chief prosecution expert in the Lucy Letby trial, issued an extraordinary press statement calling on the police, the Crown Prosecution Service (CPS) and the prosecution team to “set the record straight” over the method used by Letby to murder Baby C.

The jury found Letby guilty of the murder of Baby C by injecting air down the nasogastric tube, largely based on an X-ray taken on 12 June 2015, showing a large amount of air in the baby’s stomach which multiple prosecution experts (initially including Evans), decided was a deliberate act of harm by Letby.

The only problem was that Letby wasn’t on duty for Baby C until 13 June. Prosecution barrister Nicholas Johnson KC decided she must have injected air in the stomach on 13 June instead, failing to explain what caused all the “non-Letby air” on 12 June. He told the jury on 21 June 2023: “When you put Baby C’s case alongside the others, it’s as plain as the nose on your face that Lucy Letby must have injected air down the nasogastric tube into Baby C’s stomach. It was, after all, one of her favourite ways of killing...” This method was also cited in the murders of babies I and P.

However, in a signed statement to Channel 5 dated 3 August 2024, Evans undermined Johnson by stating: “None of the babies [who died at the Countess of Chester Hospital in 2015 and 2016] were killed as a direct result of the injection of air, or fluid and air deliberately injected into their stomachs.”

Evans is now arguing that it was the police, the CPS and Johnson who got it wrong in attributing this cause of death to Baby C, and not him. His statement implies his fellow expert witnesses, judge and jury also got it wrong. Evans claims his original report raised concerns about an event on 13 June, but “the dates seem to have become confused” in the long run-up to trial. He says he spotted and corrected the mistake during the trial and said the death was in fact due to air injected into a vein on 13 June, leading to death on 14 June.

So where did the prosecution get the ludicrous idea that air into the stomach

could kill? Perhaps it was the lead prosecution expert, Dr Dewi Evans, who wrote a report explaining how excess air injected into the stomach via the nasogastric tube “may lead to respiratory failure, respiratory arrest [apnoea] and death”.

Evans no longer believes this happened to any of the babies in the Letby case, in MD’s view making the convictions of all three (C, I and P) unsafe. Moreover, he is saying he altered his view during the trial and it is the fault of the CPS, police and prosecution that the jury was misdirected. If this doesn’t wake up the Court of Appeal, nothing will.

Everyone but Evans

EVANS’ press release also criticised everyone who has doubted his diagnoses, including MD.

“Private Eye’s Dr Phil Hammond claims credit for exposing the concerns regarding what became the Bristol Heart Scandal. He conveniently overlooks the fact that the same magazine took over 10 years to admit it got it wrong in relation to discredited medic Andrew Wakefield and his flawed MMR/autism claims. His claim that my diagnosis of air embolus was because I ‘couldn’t think of anything else’ reflects his clinical limitations, not unexpected given he is best known as a comedian who writes for The Eye.”

At the start of my investigations, when I asked Evans how he had made the diagnosis of air embolism that everyone else had missed, he said: “I was able to exclude other causes, because there were no other causes. Sorry if that sounds rather odd. But that’s clinical practice for you.”

Even a clinically limited comedy doctor knows that there is always a differential diagnosis, and that common causes (substandard care) are far more probable than rare ones (murder). And how odd that so many proper neonatal experts have examined the same clinical records Evans has seen, and have found no evidence of murder, and many other possible causes that aren’t murder. MD never believed Andrew Wakefield on MMR/autism (it was MD who persuaded the magazine to recant, see *Eye* 1256). And I don’t believe Evans and his unshakeable belief that he is right and anyone who questions him is wrong. However, by publicly accusing the police, the CPS, the prosecution team, the judge, fellow prosecution experts and the jury of getting it wrong on Baby C, he may inadvertently have paved the way for Letby’s appeal.

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PAGE 94

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