

PRIVATE EYE

SPECIAL REPORT PART 31

THE LESSONS OF THE LUCY LETBY CASE

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THE LUCY LETBY CASE: PART 31



The other experts, Pt 1

IN TRYING to save his own reputation, has the lead expert witness in the trial of Lucy Letby sacrificed the reputation of his fellow experts?

Responding to a Channel 5 documentary where neonatal expert Dr Svilena Dimitrova strongly challenged the verdicts that three babies had been killed by injecting air into their nasogastric tubes (NGT), Dr Dewi Evans issued a statement saying no babies in fact died by this method but were merely destabilised (*Eyes passim*). However, the jury convicted Letby of killing three babies (C, I and P) using precisely this method.

This relied on the testimony of Evans and his fellow experts – paediatrician Dr Sandie Bohin and pathologist Dr Andreas Marnerides – who supported this method of murder having been convinced by Evans at the pre-trial joint expert meeting (*Eye* 1657). He has now sold them down the river and made fools of Judge Goss and prosecution barrister Nicholas Johnson KC, both of whom told the jury Letby used a method of murder which Evans invented and now denounces.

Evans' theory

IN HIS witness statement on 17 April 2019, Evans wrote: "Inserting excess air can be carried out by the nursing attendant without the action necessarily drawing attention. Excess air leads to stomach distension and increased pressure within the abdomen. This may lead to a phenomenon known as 'splinting' of the diaphragm.... If the diaphragm cannot move easily the infant's ability to oxygenate its lungs is compromised. Excess air in the abdomen may lead to an increase in pressure sufficient to stop effective exchange of gases [oxygen into the lungs, carbon dioxide out]. This increases the work of breathing, and may lead to respiratory failure, respiratory arrest [apnoea] and death."

Evans provides no credible reference for this method of neonatal death, and MD can find none. A baby could theoretically be killed by excess air injected into the stomach but it has never been recorded, deliberately or accidentally, because excess stomach air is very common, easy to spot and easily rectified by drawing it out with a syringe. However, Evans was initially persuaded that Letby may have used this method to kill.

Bohin agreement

FELLOW paediatrician Sandie Bohin initially thought the stomach air observed on X-rays was not an indicator of deliberate harm but came on board with Evans during that pre-trial expert meeting on 5-6 August 2022, when she signed up to the following statements:

● **BABY C** The massive gastric dilatation seen on the x-ray of 12 June 2015 was most likely due to deliberate exogenous administration of air via the NGT.

● **BABY P** The gastric distension was secondary to exogenous air administration.

● **BABY P** The collapse is likely to have been secondary to diaphragmatic splinting as a result of abdominal distension.

● **BABY I** The gaseous distention present in

all three episodes is secondary to exogenous administration of air via the NGT.

● **BABY I** The collapse on 13 October was secondary to excessive amounts of air introduced into the gastrointestinal tract via the NGT and to air embolus secondary to exogenous air administration into a blood vessel.

● **BABY I** The collapse on 22 October was secondary to excessive amounts of air introduced into the gastrointestinal tract via the NGT and to air embolus secondary to exogenous air administration into a blood vessel.

Marnerides agreement

DR ANDREAS Marnerides, who leads the forensic paediatric and neonatal pathology service at Guy's and St Thomas' NHS Foundation Trust, was vital for the prosecution.

If someone so experienced could endorse something as unheard of as murder by air in the stomach, it would make it very hard for the defence to rebut.

He initially thought Baby C died from natural causes, but was also persuaded by Evans at the pre-trial meeting of experts that a fatal amount of air had been injected into his stomach, and other babies too. As well as endorsing the second and third statements above, he was the sole signatory of this statement:

● **BABY I** The collapse on 22 October, which led to Baby I's death, was secondary to excessive amounts of air introduced into the gastrointestinal tract via the NGT.

Court affirmation

UNDER oath, Evans, Bohin and Marnerides all endorsed air in the NG tube as a mode of murder. Marnerides was crucial for the convictions of the murder of Babies C, P and I. For example, for Baby I, Marnerides said the cause of death "was secondary to excessive amounts of air introduced into the gastrointestinal tract via the NGT". Baby C was tougher. Bohin said under oath: "The massive gastric dilation seen on this x-ray was most likely due to deliberate exogenous administration of air via the NGT." Alas, it emerged that Letby had never met Baby C on 12 June when the x-ray was taken. Bohin admitted that for 13 June, when the baby collapsed, "there was no cause identified".

Judge Goss decided to rely heavily on Dr Marnerides' testimony in his summing-up of Baby C: "As I shall remind you, the experts found it difficult to identify the cause of death, but Dr Marnerides concluded it was the excessive injection or infusion of air into the nasogastric tube."

Prosecution barrister Johnson went further: "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..." Evans' withdrawal of that mode of murder demands action from the Court of Appeal.

MD asked Marnerides and Bohin if they, like Evans, have withdrawn their support for air in the stomach as a mode of murder. They have not responded, having previously declined to

comment. MD asked Evans if he had consulted his fellow experts before declaring that they, along with the prosecution barrister, the police, the Crown Prosecution Service, the judge and jury had all got it wrong over death by stomach air. He has responded with "no comment".

Angry Evans

EVANS did at least give MD a description of how he now thinks Baby C died. Alas, it bears little resemblance to what the jury was told. He is clearly angry Letby had never met Baby C when the x-ray that most supported his theory of deliberate air injection was taken. Clearly something else was causing large amounts of air in this baby's gut, but it was too late to withdraw the theory because it had been heavily endorsed and signed off by Marnerides, and to a lesser extent by Bohin, as a murder method not just for Baby C but for Babies I and P. By withdrawing it as murder method post-trial, Evans has shattered the prosecution consensus and unwittingly exposed his fellow experts for wrongly endorsing a murder method he proposed. No wonder they're staying silent, at least until the appeal court comes knocking.

Evans believes his statements change nothing, and later told Channel 4 that Letby is "evil" and "guilty as sin". He also called her a "sociopath", even though he is not a psychiatrist and she has not been diagnosed as one. Evans believes it doesn't matter how she murdered the babies because she murdered them. MD's view is that the case against Letby was built on misinformed guesswork that will collapse at appeal, not least because there are also highly credible expert

reports as to how all the babies collapsed and died, which can find no evidence of murder.

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