

Sally Clark freed after appeal court quashes her convictions

Clare Dyer *legal correspondent, BMJ*

Sally Clark, the British solicitor convicted three years ago of murdering two of her babies, was freed last week by the Court of Appeal.

Mrs Clark, who had already lost one appeal, had her case referred back to the appeal court after her defence team discovered microbiology results obtained by Alan Williams, the Home Office pathologist who carried out the postmortem examination on her second son, Harry. The findings had not been disclosed to police, prosecutors, defence lawyers, or the other doctors in the case.

She was charged with murder after Harry died aged 8 weeks in January 1998, in circumstances which were strikingly similar to those surrounding the death of her first son, Christopher, at 11 weeks in December 1996.

Christopher's death was originally diagnosed as sudden infant death syndrome. Dr Williams, and Professor Michael Green, who was brought into the case by Dr Williams, now face investigations by the General Medical Council and the Home Office after complaints lodged by Martin Bell, Mrs Clark's former MP.

Professor Green, professor emeritus of forensic pathology at Sheffield University, is not thought to have seen the test results, which showed *Staphylococcus aureus* from eight sites of the baby's body, including the cerebral spinal fluid.

The results, which Dr Williams had had since February 1998, were discovered by the defence team in records kept at Macclesfield hospital, where he works as an NHS consultant histopathologist.

Lord Justice Kay, who presided over the appeal, said Dr Williams had failed "to share with other doctors investigating the cause of death information that a competent pathologist ought to have appreciated needed to be assessed before any conclusion was reached." He added: "We have no doubt that the resulting convictions are, therefore, unsafe and must be quashed."

The Crown Prosecution Service said in a statement: "The defence called expert evidence to suggest that it is theoretically possible that the second child died from a reaction to a toxin associated with the common bacterium *Staphylococcus aureus*,



Sally Clark with her husband, Stephen. Tests showed that *Staphylococcus aureus* was present in the body of her second son

which was found in his body.

"This was considered by experts for the crown, one of whom gave evidence, who did not accept that this theory fitted the facts. However, the Court of Appeal held that this issue should properly have been left to the jury."

The jury was told by the eminent paediatrician Professor Roy Meadow, a crown witness, that the chances of two cot deaths in a family like the Clarks was 1 in 73 million. This statistic was criticised as seriously misleading in an editorial in the *BMJ* (2000;

320:2-3). But Professor Meadow said that the figure had not led to the conviction of Sally Clark, because none of the paediatric experts called as witnesses had believed that the children had died of sudden infant death syndrome (*BMJ* 2002;324:41-3).

The judges in the previous appeal played down its possible prejudicial effect on the jury, but Lord Justice Kay, presiding over the new appeal, said the figure was "dramatic evidence that one could confidently expect to have a dramatic impact on the jury." □

GP suspended for enrolling patients in drug trials without consent

Owen Dyer *London*

A Hertfordshire GP who included his patients in drug trials without their knowledge was last week suspended by the General Medical Council.

Dr Robert Macindoe Adams, 58, admitted enrolling 12 patients in seven drug trials for pharmaceutical companies including AstraZeneca and SmithKline Beecham without providing an opportunity for informed consent.

The trials involved drugs for depression and hypertension. In

two cases Dr Adams was found to have overstated the patients' symptoms to meet the strict criteria for antidepressant trials. He was also found to have changed patients' treatment and prescribed placebo to conform to study protocols.

Dr Adams, who is reportedly in poor health, did not attend the hearing but was legally represented. His counsel, Charles Foster, said his client was his own harshest critic and had "excoriated himself" over his actions. Most of the charges were uncontested.

Ten of the patients entered into the drug trials were found to have been given insufficient information to provide informed consent. In particular, Dr Adams neglected to give them patient information leaflets relating to the studies. He failed to mention a trial at all to two patients.

One of these patients,

referred to by the GMC's professional conduct committee as Mrs K, became suspicious when Dr Adams changed her treatment after enrolling her in a trial of the calcium channel blocker lercanidipine.

Mrs K expressed her concerns about her change of treatment in a letter, in which she also complained about frequent blood tests. Mr Edward Henry, counsel for the GMC, said she "thought there could be no reason for giving blood repeatedly with her arm turning black and blue." At one point she asked Dr Adams: "Are you selling my blood?" Taking of samples that are not necessary to the patient's wellbeing could be construed as assault, said Mr Henry.

Although Dr Adams wrote in reply to Mrs K's letter, he failed to mention that she was being prescribed lercanidipine as part

of a clinical trial. He accepted the GMC's charge that this letter was misleading.

Professor Peter Richards, chairman of the panel hearing the case, said: "Patients were exposed to risks of treatment and to periods of placebo treatment without their knowledge. Patients must be able to have confidence that any treatment is both necessary and in their best interests. Pharmaceutical companies must be able to rely on doctors' strict compliance with drug protocols. Trust is a cornerstone of good medical practice. This trust was abused."

Mr Foster told the committee that his client was no longer practising and had no plans to resume clinical work. Unless he appeals against the decision, Dr Adams will be suspended for 12 months. His case will be reviewed before the end of that suspension period. □