

Murder or Mistake, Channel 4, 29 September 2025

Danny Bogado, Rosy Milner and the Channel 4 team took on a challenging documentary (Murder or Mistake, Channel 4, 29 September 2025). Producing a 2 hours' documentary from evidence that took Cheshire Police several years to collect and led to the longest criminal trial in English legal history is in itself remarkable.

It was a privilege to be considered the chief prosecution witness in a trial that has led to the lifelong incarceration of England's worst female killer. Her conviction would not have succeeded without Cheshire Police's diligence and attention to detail, and the evidence of my fellow independent witnesses and the numerous nurses and doctors from the Countess of Chester Hospital. The evidence of all the witnesses was crucial.

Lucy Letby's new barrister has broken new ground in launching an appeal via press and media, providing of course a very selective version of events. Mark McDonald helpfully summarised 6 issues on his agenda; the rota, the experts, air embolus, insulin, the neonatal unit, and the media. Despite his natural thespian skills and his considerable bravado Mr McDonald and his supporters failed to offer any evidence not disclosed at Letby's trial, or would stand scrutiny at a clinical or scientific presentation or the rigours of cross examination.

The relevance, or not, of the rota, and Letby's presence, has been flogged to death. Peter Elston, statistician and investment manager, just could not understand the difference between information that is statistically significant and that which is clinically significant. Statistics will point you in a certain direction. It does not prove that something took place. It's why statistics did not play a part in the prosecution's case. Presumably it's why the Defence did not seek a statistical explanation either.

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*. My diagnosis of air embolus was supported by my fellow independent witnesses, belatedly by the Chester paediatricians, and backed up by 18 publications.

Shoo Lee may well be an eminent epidemiologist. His experience of air embolus is limited to reporting 3 cases from the 1980s. More tellingly he has no background of medicolegal matters because “I don’t do medico-legal cases. I don’t like them”. Bogado's programme did not have time to include my detailed critique of his 2 published papers. If his most recent paper (published in December 2024) had been available before the trial its content would have been very useful - for the prosecution. His criticisms of my role, disclosed at the press conference, were all factually incorrect. Summaries from other members of the Panel were awash with errors, some of the weakest reports I have seen during my career.

Given the time constraints it was inevitable that the documentary concentrated on just a couple of cases. The timing of Baby C’s collapse created confusion. In my very first report (7 November 2017) I raised concerns regarding the event late on Saturday 13 June 2015 that led to his collapse and death. Over the next 5 years the dates seem to have become confused, leading to the prosecution alleging that the assault took place the previous day. I recognised the confusion at the Trial, reaffirming my original concern that the fatal assault was late on 13 June. I believe that Cheshire Police, the CPS, and the Prosecution team should set the record straight.

Back in 2017, when I first raised concerns regarding Baby C’s demise, I was unaware of Letby’s presence on the unit, let alone that she was up close to Baby C at the time of his collapse. There is nothing in Baby C’s clinical records to confirm Lucy Letby’s presence.

Baby O’s demise was given considerable attention, and we were presented with some extraordinary explanations from British Columbia based neonatologist Richard Taylor and the Brighton duo of Neil Aiton and Svilena Dimitrova. According to them Baby O’s death was due to a cannula inserted into the baby’s abdomen 20 - 30 minutes before he died. This fails to explain why the baby was moribund, sadly at death’s door, before the cannula was inserted. For good measure Aiton claimed that the ventilator pressures used to resuscitate the baby were too high. This does not explain why the baby required resuscitation in the first place. He had never required resuscitation following his birth, and his collapse took place when in Lucy Letby’s care. The Taylor, Aiton, Dimitrova hypothesis has been widely condemned by others, including a pathologist who gave his opinion on a recent Panorama programme. Their opinion should be confined to the Donald Trump School of Evidential Science.