

Causation

“ In every result crime causation is by definition an issue. Although the issue often arises in the context of homicide, causation is important in all result crimes. In many cases it is not a contentious issue because it is not disputed “ Of course it will be disputed in Barton’s case – she has said herself she would do the same thing again as she was acting in the best interest of the patients. I think this is very contentious. “ When it is disputed the Prosecution must prove that the defendant Barton by her own act or omission caused the relevant result – how can the defence argue against that in view of the GMC findings?

What Barton did - anticipatory prescribing – in my mother’s case no proper assessment and dismissal of Haslar discharge letter and presumably the assessment of Dr. Reid who carried out the assessment about a week before at Haslar with the recommendation of 2 – 4 perhaps six weeks for me to find a nursing home – a copy of that letter was on mothers medical file - . What Barton did is a question of fact – what happened is also a fact but whether it happened because of anticipatory prescribing is more complicated. I think it can be proved as in the affirmative because Barton knew the Nurses did not (always) check with her before administering it and she also knew those Nurses were not at the height of their profession or training. Some had been there for years without further training - a good case for revalidation of nurses as well as doctors etc. Beed in cross examination did not seem to know that haematoma can heal spontaneously without surgical intervention. (but why should he even consider it when the policy in place was to kill off rather than treat. It is for a medical expert to give an opinion as to whether the haematoma caused the death but it seems the death was not even attributable to the haematoma – it was not considered important enough to write up although that was the reason for the syringe driver according to Beed, who stated it was a massive haematoma and therefore the syringe driver was to give a peaceful death without suffering pain. There was no sight of the haematoma four days later – if it had healed it was spontaneous – there was no evidence on the X ray or note from the radiographer and Wendy who checked the X ray did not mention it and Barton stated she did not see the X ray - it was purely Beed’s explanation. I allege that the treatment by large doses of diamorphine, haloperidol, midazolam and hyroazine would have been the cause of death for a perfectly fit man in his prime - I pointed that out to the police years ago.” Whether the wound was capable of being a cause of death (obviously not) or the medical treatment is a matter to be decided by a jury with the direction of the judge - and it was obvious at your inquest(s) that the jury when it came to law had as much knowledge in law as they had about boiling an egg - which despite the cookbooks is imprecise.

BUT FOR

“ The first legal principle to apply is that Barton’s act cannot be the cause of the event if the event would have occurred in precisely the same way had Barton’s act never been done. I think in the case of broken bones it can be said BUT FOR Barton’s act my mother would not have died – she had got over the trauma of surgery and she had not been in a hospital previously for over 40 years – apart from having teeth out and being deaf she was fitter than I am now. The argument is always age . I am of course well aware that you can pop off at any time even unexpectedly and quite often that is due to the “silent” aspects of stress. My mother must have been under considerable stress both at the residential home and the appalling care she received there with no complaints from Lesley.