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3 September 2010

Our Ref: 516130/000003/JCW/GOSPORT/HP

Your Ref:

Dear Mr Close

Re: Gosport - Dr Jane Barton

Thank you for your letter, dated 16 August 2010.

Your decision is that the essential conclusion in this case, having regard the Code of Crown Prosecutor's (the Code) is that there was no realistic prospect of a conviction in respect of Dr Jane Barton or any other individual for an offence of gross negligence manslaughter.

We take issue with your analysis. To take one example; in the case of Mrs Elsie Devine, you focus only upon events on 19 November 1999 in your letter. It seems clear to us that by then anyone would be dying after a X4 overdose of the drugs in question. Mrs Devine was clearly not dying on 18 November 1999. At 9.00 am she was speaking to an external doctor, Dr Taylor. He stated: "Happy, NO complaints, waiting for her daughter, says that tablets make her mouth sore, not obviously paranoid". Furthermore he stated: "no change in medication", as also confirmed by Professor Wilcox in his report. Fifteen minutes later Mrs Devine, an opiate naïve patient who had never even had a paracetamol for the alleged pain was administered a Fentanyl Patch (135mg morphine) only licensed for cancer patients with chronic intractable pain, a X4 overdose. Ms Devine did not have cancer; nor was she in pain. Dr Dudley's report is incorrect because Mrs Devine did not have multiple myeloma or any form of it as Dr Dudley states. That is confirmed in the medical file.

Mr Bradley's question to the Jury as to whether there was a "therapeutic" reason that these medications were given is one which we contend to be misguided. As you state at paragraph 3 page 30, this does not bind the CPS. Given that the CPS considers itself not to be bound by the inquest inquiry we question why it has then taken some sixteen months since March/ April 2009 for you to arrive at a view.

I have had a meeting with my clients and we considered your decision to be flawed and therefore will be challenging this. I request copies of all the internal documentation to enable us to move matters forward.

We await hearing from you.

Yours faithfully

John C White

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