

Code A

The Chief Constable
Hampshire Constabulary
Police Headquarters
West Hill
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Dear Mr Marshall

Operation Rochester

Thank you for your letter dated 15/09/09, I have noted your comments and welcome your intentions with caution.

As I am sure you are now aware, I and others have always regarded the past police investigations as flawed, I have always believed that senior officers, previously involved in these investigations did not take the allegations made against Barton and her nursing staff seriously, therefore I am concerned that your letter implies that officers that have already been connected with this investigations will now review the evidence.

Personally I would much prefer that your review was carried out by officers that were not connected to Gosport station and have not previously been involved in this investigation. I would be happier if any further investigation was in fact undertaken by another force.

My reasons for this is that I believe that the last so called investigation, under the watchful eye of the Deputy Chief Constable, was primarily aimed at making sure senior officers could not be blamed for the earlier failures and incompetence of those that were involved in the original police investigation.

And then all very handy, bundle it off to the CPS. Let them say NO...

Over the last 10 years I have been extremely vocal and public in my condemnation and disgust at the different authorities which I believe are ultimately responsible for the untimely death of my father.

Not least has been my disgust at the incompetence of Gosport police in the original handling of the investigation, Hampshire constabulary's complete mishandling of their investigations, and the cover up that they have gone to, I believe, in order to absolve their officers from any blame.

I have been well quoted as being critical of the leadership of the former chief constable and the lies and deceptions of the deputy chief constable. I have made my comments clear both to the media and by way of formal complaint to the IPCC.

I believe that I have probably paid a price for my comments...

In submissions to the coroner, my barrister Patrick Sadd stated he believed a true verdict should be one of 'unlawful killing gross negligence'.

He submitted that it was both in the interest of justice, and that it reflects the thrust of the evidence as a whole given the experts analyse presented to the jury of the approach adopted to my fathers care on admission to Dryad ward.

The test for unlawful killing by gross negligence is well-established and well known. It is that propounded by Lord Mackay,

‘.in my opinion the ordinary principles of the law of negligence apply to ascertain whether or not the defendant has been in breach of duty of care towards the victim who has died. If such a breach of duty is established the next question is whether that breach of duty caused the death of the victim. If so, the jury must go on to consider whether breach of duty should be characterised as gross negligence and therefore a crime. This will depend on the seriousness of the breach of duty committed by the defendant in all the circumstances in which the defendant was placed when it occurred. The jury will have to consider whether the extent to which the defendant’s conduct departed from the proper standard of care incumbent upon him, involving as it must of done the risk of death to the patient, was such that it should be judged criminal.’

When returning a verdict of unlawful killing gross negligence the following elements have to be satisfied

1. The existence of a duty of care.
2. A breach of that care amounting to negligence.
3. The breach must have caused the death in the sense that ‘it more than minimally, negligibly or trivially caused death’.
4. The degree of negligence has to be such that it can be categorised as gross in the sense that it was of an order that merits criminal sanctions rather than a duty merely to compensate the victim.

A negligent act can be properly described as gross where there is shown to be an appreciation of a serious risk of death, but a decision taken nonetheless to run that risk.

i. A Duty Of Care Was Owed To My Father

This is uncontroversial given the setting in which my father found himself on transfer from Queen Alexandra Hospital to Gosport war memorial hospital on 14th October 1998. Those responsible for my fathers ongoing medical care including Barton owed him in law a duty of care.

ii The Duty Of Care Was Breached

This is evident in the expert evidence of Professor Black both in his report and in his evidence before the coroners jury. In his report he makes reference to dosage being inappropriate and before the jury stating “ *no justification in the medical records*” for the use of oramorph on 14th and 15th October 1998.

Further evident in the expert evidence of Professor Baker, he stated, “ *On the information contained in the records, the commencement of oramorph was not adequately justified*”. He further say’s, even if my father did have pain from the fracture that was not controlled by paracetamol, regular doses of 10mg oral morphine would not have been the appropriate treatment. Other non-opiate or weak opiate medication should have been used first. If these medications had failed to adequately reduce the pain a low dose of morphine (2.5-5mg) as had been used in the early days of admission might have been reasonable.

This is further supported in the expert evidence of Dr Wilcock, both in his report and in his views before the jury on the safety of the levels of morphine prescribed to my father on the 14th and 15th October 1998. In his report he states– *Mr Wilson was prescribed doses of oral morphine initially PRN and subsequently regularly likely to be excessive to his needs. Mr Wilson subsequently received doses of diamorphine over the last 48hrs of his life that were likely to be excessive to his needs.* In his evidence to the jury Dr Wilcock also said that the dosage of oramorph on the 14th and 15th October 1998 “ *disregarded the safety of my father by unnecessarily exposing him to receiving excessive doses of oramorph*”

All three experts are critical of the dosage of medication prescribed to my father on his admission to Dryad ward on the 14th October 1998 in light of his presenting symptoms.

This criticism extends beyond the fact of there being no entry in the medical records to justify the type and level of prescription

Those entries that there are do not justify the prescription or level of dosage of oramorph and are to be compared with the approach adopted by the Queen Alexandra before transfer

iii The Breach Of Duty More Than Minimally, Negligibly or Trivially Contributed To My Fathers Death

Returning to the expert evidence of Professor Black, both in his report and in the evidence he gave to the jury.

In his report he Says *"it is my view that the regular prescription and dosage of oramorph was unnecessary and inappropriate and in a patient with serious hepatocellular dysfunction was the major cause of his deterioration on the nights of the 15th and 16th October 1998."*

He went on further to say, *"In my view it is beyond reasonable doubt that these actions more than minimally contributed to the death of Mr Wilson"*. However in evidence to the jury changing his written conclusions to.... *'more than likely' contributed to his death !!*

The expert evidence of Professor Baker as read to the jury in which he stated *" Although Mr Wilson did have congestive cardiac failure, his death would have been hastened by opiate administration and the path to death may well have been initiated by the commencement of oramorph on 14th October 1998"*. Further saying *" bearing these qualifications in mind, in my opinion Mr Wilson did fall into the category of patient who might have left hospital alive if the oramorph had not been commenced on his transfer to Dryad ward"*.

Dr Wilcock in evidence to the jury stated that were it not for his concerns about the effects of the pulmonary oedema, his conclusions would have been similar to Professor Blacks. Dr Wilcock referred to a gastro-enterologist on the risks associated with hepatic encephalopathy . Dr Marshall, who's report was withheld from the jury, stated that given my fathers condition in relation to his liver failure that the administration and dosage given were, in his opinion, reckless.

There is clear evidence on which a jury could be satisfied 'beyond all reasonable doubt' that the breach of duty in prescribing unsafe levels of oramorph more than minimally, negligently or trivially caused my fathers death.

iv The Negligence Can Be Categorised As Gross

A jury could conclude beyond reasonable doubt on the evidence available to them that the breach in prescribing the level and dosage of oramorph was reckless, that is, that there was a severe risk in prescribing oramorph but that it was prescribed and at a high initial dose that was unsafe regardless, or that the serious risk of hepatic coma was not properly appreciated- in the light of the following evidence taken as a whole.

(i) The contrast between the approach to pain relief medication up to and including 13 October 1998 as recorded in the medical records and the approach adopted on transfer to Dryad on 14 October 1998, both in relation to immediate need and prospective need.

(ii) Dr Barton's knowledge by her own admissions:

- That she knew my father had serious liver disease
- Morphine carried risks to those with liver disease of inducing hepatic coma.
- My father had not had oramorph at the level of dosage or frequency at the QA hospital.
- His pain had been managed by paracetamol and one off dosages of codeine phosphate at the QA.
- Sister Hamblin's police statement that my father had been transferred for terminal care.
- The absence of a rationale for pre-prescribing on 14th Oct of Diamorphine, hyoscine and midazolam.
- The assumption that my father was in terminal decline and that this informed the approach to his care.
- Dr Barton's review on 15th Oct and the regularity with which oramorph was prescribed on that day.
- Dr Barton was in overall charge and determined prescribing

In summing up at the GMC 'fitness to practice' hearing, having found the majority of the allegations against Dr Barton proved 'beyond reasonable doubt' the panel chairman, Andrew Reid, in addressing Barton said,

"The panel has made multiple findings that your conduct has been inappropriate, potentially hazardous, and/or not in the best interests of your patients'. 'It has concluded that the facts found proved – both admitted and otherwise – would not be insufficient to support a finding of serious professional misconduct".

And yet both the police and the CPS did not think there was a case to answer, or that it was in the public interest to prosecute her, or any of the others that were also involved.

Now in January 2010, so long as the GMC isn't also willing to cover up this doctors 'criminal' actions I believe that we the relatives who have been fighting for the truth for so long, will at last be vindicated with this doctor being struck from the medical record.

I believe that both the police and the CPS will then have no choice but to re-open and widen the investigation in to the deaths of elderly patients under her so called care, (by her own admissions this could be as many as 3000) and, to include other doctors and nurses, who have admitted 'under oath' to administering lethal doses of drugs.

Out of interest, will your officers review now include looking at all the other people that have been involved, and take into account the lies that have been told under oath. Or are you just going to try and pay lip service to us ?

Chief Constable, you don't have to wait till your hand is forced....

My Dad was murdered, the incompetence of Gosport police, and what I believe, is the institutional corruption of Hampshire constabulary has meant the perpetrators have so far gone unpunished.

My comment's based on a Deputy Chief Constable that continually misled and lied to us. Incompetence, Deceitful, or Corrupt?

A Chief Superintendent who lied and perverted the course of justice. Deceitful or Corrupt?

Three investigating officer who warned other relatives away from me because of my past record. Deceitful or Corrupt?

An investigating officer who said to me whilst 'in drink' "*don't give up, she's a murdering bitch and should be locked up*" then went on to say that he would never repeat his comments and would in fact perjure himself in court if he was forced. Again I ask is this deceitful or corrupt?

Or how about the wilful withholding of evidence including 'The Baker Report' and other experts testimony's from the CPS..Deceitful or corrupt?

As you can see I do not hold Hampshire Constabulary, and, in particular Gosport police, in high esteem. This is compounded with the fact that again I believe that your officers are once more being vindictive and discriminatory in their actions towards me.

Some years ago I brought to the attention of your predecessor, that it appeared that because of some of my comments regarding Gosport police I was subject to an awful lot of unwarranted police attention. He assured me this was not the case, amazingly the harassment that I was receiving from Gosport police ceased!!

That was it seems until about 4 months ago. In fact about the time the coroners inquest finished and I made some very derogatory remarks to the national media about the police and their handling of the case.

Since that time I have been pulled over in my taxi whilst working 5 times for no reason, once at 03.30 on the A32 the officer said, for being to close to him. Even my passengers were moaning at the speed he was driving at, we say 22 mph...

And I am now on bail awaiting court on the charge of spitting at another taxi driver. However the charge reads 'assault by beating'. *The same charge as your colleague at the G20 riots, with his baton !!*

Am I being victimised and discriminated against? Seems it to me..

Over the last 5 years I have been assaulted 5 times, on 4 of those occasions it has been witnessed and reported by other people. 3 of those assaults on me were by the same person. Gosport police decided to take no further action. The 4th I was attacked by 13 people but because 'thankfully' I had no injuries, then 'technically', I hadn't been assaulted. On the 5th occasion (just before I was charged), I pointed out the 2 people responsible to an officer about 2 minutes after the assault had happened, apparently they made a counter allegation against me, (which you can't tell me what it was) so you wont proceed.

I have been robbed, "Its a civil matter" I'm told. My car has been damaged three times, not a high priority, broken into twice, I was given a crime number.

I have been almost run off the road and had treats made to kill me, this from the brother of the man I'm alleged to have assaulted and even though I was the third person that he had made those treats to, the police still decide to take no further action.

Then we come to the person who I'm alleged to have assaulted. On the rank he is known as Jack and has on a number of occasions been reported to both the police and the council for dealing cocaine from his taxi. Your licensing officer is very aware of the allegations that have been made against him, and in fact I have been told by a senior officer of the council that they have reported their suspicions to the police on two occasions. Again no action taken.....

This man threatened to burn my house down, whilst I'm at work. I'm a single dad and when I'm at work my kids are at home. I took his threat seriously, more than can be said for your officer who just said it was my word against his...again no action.

But then this is the man who has bragged on a number of occasions, to different people, that he is lucky that he has a very friendly police officer based at Fareham who 'helps him'!! Sniffs of corruption to me..

Strange but I'm sure you can see a pattern emerging here, I make a complaint no action taken, someone makes an allegation against me Gosport police come team handed round to arrest me on a Sunday afternoon.

Chief Constable I do not worry about the upcoming court case I have always taken them in my stride, I intend to use this letter in my defence, and as you will see from my past record, I have on a number of occasions, made your officers look extremely stupid in court, I'm quite happy to do it again. However I am annoyed that I have worked so long and hard to turn my life around and on a whim your officers could destroy all that.

And why? It would appear simply because they do not like my comments. Or is that coppers are like elephants and never forget, or maybe its that they just don't believe in the 'rehabilitation of offenders' act.

I believe that I am being discriminated against by your officers because of my comments and observations, I further believe that this case against me is nothing more than a malicious prosecution aimed at discrediting me prior to my likely further comments following the resuming of the GMC hearing in Jan 2010.

Sir, if your officers want to try and stop me making my comments the way to do it is not by trying to threaten and harass me, but instead to do the job that they are paid to do, i.e. investigate, arrest and charge all those responsible for the murder of my father..

Who knows I might even then say something complementary about your force.

As you can probably tell from this letter, my determination to uncover the truth behind my fathers death has not been diminished over the last 11 years, and the actions of a few of your officers will never change that.

With regards your officer [Code A], I intend to lodge a formal complaint with regards the manner in which he handle the investigation into the alleged assault, the interviewing of witnesses, my arrest and detention and my subsequent release on bail. The fact that [Code A] has not and did not take into account the full facts and disregarded those that didn't suit his investigation.

I also feel that because of comments made by [Code A] that he was already prejudice against me prior to his investigation and that this is nothing more than a malicious prosecution.

With regards my fathers murder, Sir I will never go away, the only thing that will shut me up is in the unlikely event both Barton and Hamblin are found 'Not Guilty' in the criminal courts.

To get there is down to both you and the CPS.

You may or may not be aware but we have been meeting with Mr Paul Close at the CPS, I am again meeting with him on the 22nd Oct, at that meeting I intend to give him a copy of this letter, I believe that it makes very clear the grounds under which I believe that charges should be brought against Barton.

I will ask him to comment and justify the grounds of the charges against me as opposed to not bringing charges against both Barton and Hamblin.

i.e. A realistic chance of prosecution and in the public interest.

Sir you were quoted as saying you were keeping an open mind with regards this investigation, I welcomed that comment, In the hope that at last we had somebody in authority who would not try to cover up what has happened in the past. There is a case to answer, and I believe, the evidence is their to prove it. It is down to your officers to investigate and collect and then pass on to the CPS all the evidence for them then to consider charges and against whom.

At the meeting with Paul Close last week, it became very apparent that once again we had been proved right, and indeed the police had been very selective in the evidence that they had forwarded on to the CPS. Expert witness reports, relatives statements, nursing staff statements, medical and drugs chart, all withheld.

How the hell are the CPS supposed to make an informed decision if they haven't been given all the evidence...

And this is supposed to be open and transparent...

Mr Close suggested that we make a list of the evidence and statements that we have, we could then compare, in this way any evidence already available will not then be overlooked.

I invite you Sir, to do the same. Include all the evidence your force has collected over the past 11 years, all the experts opinions, all the statements, all the medical and drugs files and include the 'Baker Report'. That's open and transparent...

I believe that you should also include the details of the 3 nurses that were the subject of the 1991 meetings at which exactly the same concerns were raised, which should have been referred to and investigated by the police, 7 years before my dad was murdered. That's open and transparent...

Let the CPS make an informed decision with all the evidence available.

As I have repeated and as I sure now your aware I will not go away, no matter that nobody wants another Shipman, its your patch , your shift, and its also your duty to bring the guilty to trial.

My dad was a law abiding citizen, he worked and paid his taxes all his life, he was happy to fight for King and Country, he was my hero, and contrary to Jack Straw's comments that he's not important, he was important enough on SBS missions, he was important enough on D Day and, he was important enough through every other shitty battle he went through in WW11.

In death he deserves justice.

Its in your hands Chief Constable, but it should not be the decision of a solicitor and a police officer, no matter how 'high ranking', to have that decision.. That lies with a jury.. So I'm asking you Sir, do your duty bring the guilty to trial.

Which brings me to one further matter. We have for a long time questioned why the GMC have been so slow in investigating and bringing charges against this doctor. It has now come to my notice and has in fact now been made public that Professor Christopher Bulstrode, a member of the GMC council from 2002 until 2008, is in fact the same Christopher Bulstrode who followed his big sister, Dr Jane Ann Barton, in to Oxford University. Is this a blatant case of looking out for your own.

Sir, I believe that a conspiracy has gone on within the GMC involving Dr Barton's brother Professor Bulstrode, I request that you investigate what appears to be the perverting of the course of justice that appears to implicates professor Bulstrode in the cover up of the murders of elderly patients at the Gosport War Memorial Hospital.

Because of the contents of my letter I expect retaliating action, this has always been the way of Hampshire constabulary, with this in mind, I have lodge a copy of this letter with my solicitor and I will log any unwarranted attention by your officers, and, in the case that I receive it, I will forward my complaints and concerns to the IPCC. I would hope that this further action should not be necessary.

I await your reply, comment and confirmation that your force will look in to all the allegations and all the parties involved in the death of my father.

Yours sincerely

Code A