

Shadow of a doubt

*Sally Clark is in jail for killing her two baby sons, but her father, a retired policeman, insists the court got it wrong, reports **Margarette Driscoll***

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Eighteen days ago Sally Clark was convicted of the double murder of her baby sons, Christopher and Harry, born a year apart and each destined to live no more than a few weeks. The 35-year-old lawyer, who once appeared to be the woman with everything - a high-flying job as a solicitor, a £250,000 house in Cheshire's stockbroker belt and a devoted husband - got her first taste of prison life within 24 hours of arriving in the hospital wing of Styal women's jail, where she was sent for assessment. Another prisoner, frustrated at being separated from her own children, smashed a plastic cup into Clark's face, leaving her with two black eyes.

It was not a staggeringly violent attack - the woman who carried it out later apologised - but it is unlikely to be the last. Clark faces many years inside a prison system where child killers are regarded as the bottom of the heap, prey to the attentions of the vicious or deranged.

Does she deserve this fate? The 10 jurors who brought in a majority verdict of guilty after two days of deliberation at Chester crown court clearly think so, but Clark's family and legal team insist the case was a miscarriage of justice. As the jury pronounced its guilty verdict, Clark's husband Stephen stood up and opened his arms in a gesture of astonishment. He has pledged to stand by her, come what may, utterly convinced of her innocence.

The thought that Clark cold-bloodedly murdered two of her babies is appalling. But the thought that she might *not* have done so, and is a bereft mother now serving a double life sentence for a crime she did not commit, scarcely bears thinking about. It is a difficult case, and Clark is hardly the most sympathetic of characters. After the trial it emerged that she had a history of depression and drink problems.

One would expect her family to rally round. Her father, speaking for the first time about her case, is a former senior policeman with years of experience dealing with the criminal courts. And medical experts who examined the evidence also have misgivings about the verdict. What is troubling is that Clark was convicted without the cause of death of either baby being definitively established.

The trial opened with the assertion that Harry, who died in January 1998, was a victim of shaken baby syndrome, and that both babies had been subjected to abuse, even though when Christopher died, in December 1996, his death was ascribed to a respiratory infection, that is, natural causes.

When the "evidence" for shaking was challenged, it was suggested that one or both babies might have been smothered, or even strangled. The prosecution said there were too many coincidences: both babies died at approximately the same age, at the same time of evening; both were alone with Clark, and found in her bedroom. The odds against a double cot death in this sort of family were said to be 73m to one. The strongest aspect of the case against Clark, therefore, was the very human assumption that lightning doesn't strike in the same place twice.

Clark was brought up in Wiltshire, where her father, Frank Lockyer, was chief superintendent of the southern half of the county. Her teenage years were blighted by her mother Jean's eight-year battle against breast cancer. Jean died shortly after her daughter went to university.

Despite this, her father says they have "many, many happy memories" of family life. "We were enormously proud of Sally. Let's face it, the policeman's daughter, like the vicar's daughter, has to be that little bit better than everyone else and she never put a foot wrong."

After Southampton University, Clark joined a finance house in London and met her husband, a solicitor. Stephen was keen to have children, his wife apparently less so, wishing she could have a few more years to establish herself in her career. But at 32, with time ticking on, she fell pregnant with Christopher.

"She suffered depression, yes, and drink was one of the escape routes," says her father. "Losing her mother so young was very hard on her. After Christopher died she sought professional help. What she had was not a drink problem, but a bereavement problem. She was never the sort to have gin on her cornflakes, but she did have a problem and she tried to deal with it. Sally is a compassionate person who loves children. If people could see the preparations she made for her babies, her sheer joy at having them, they would never believe she could do them harm."

Eleven weeks after Christopher was born, while her husband was away on business, she left the baby one evening in his Moses basket by her bed while she made a cup of tea. When she returned he was "this dusty grey colour". Her panic was such that it was all the emergency team and hospital staff could do to contain her while they attempted to resuscitate the baby.

The pathologist who carried out the autopsy on Christopher was concerned about marks on his legs - though the hospital staff had not noticed any bruising - and a split in the frenulum, the tissue that links the upper gum to jaw. These were put down to aggressive resuscitation attempts and the cause of death was attributed to an infection in the respiratory tract.

Just over a year later, Harry died in a chair next to his parents' bed while Stephen was downstairs, making his eight-week-old son a bottle.



*Standing by her: Clark's husband also believes she did not committ the crimes
Photograph: Phil Noble*

Harry's autopsy was carried out by the same pathologist, who was now suspicious. He found several apparent injuries, including bleeding near the spinal cord and, crucially, bleeding in the retina of the eye, a marker for death by shaking. Meanwhile, new research from New Zealand said traces of blood in the lungs could indicate smothering. Christopher's lung samples were looked at again, and traces were found.

The case went ahead, based upon the supposition that Harry had been shaken to death and Christopher smothered. Before she came to trial, Clark gave birth to a third child, a one-year-old boy now in care.

As the trial drew near, a last-minute drama was taking place. One of the experts who had backed up the claim of retinal bleeding began to have doubts and said he had been looking at the wrong slides. In a crucial meeting two days before the trial, he conceded that there were no retinal haemorrhages, seriously undermining the original pathologist's belief that the baby had been shaken to death.

The other injuries, such as the spinal cord bleeding, were also highly questionable, the defence said, and as likely to be due to childbirth as child abuse: Harry's had been a rapid delivery. A damaged rib was said by the defence to be a post-mortem injury.

"I wonder if the case would have been brought if the spectre of shaking had not surfaced early on," says Phil Luthert, professor of pathology at London University, who examined the retinal slides. "The evidence does not support shaking. I worry about a system where juries are expected to make a decision on complex, conflicting medical evidence."

Suddenly, Christopher's death, originally the weaker case, became the strong one. But the assertion that he was smothered is also questionable. It is practically impossible to disprove suffocation, which sometimes leaves no sign at autopsy. But neither are traces of blood in the lungs proof; they are routinely found in the lungs of children who have suffered a cot death, where there is no suspicion of foul play.

As for the one in 73m chance, we are talking probabilities here, not actualities. The figure was said to equate to one such double tragedy every 100 years. The Foundation for the Study of Infant Death estimates that there is at least one multiple cot death every year. Indeed, one of the risk factors for cot deaths in families is having suffered a previous cot death.

Asked in court if she had murdered Harry, Clark replied tearfully: "Absolutely not. No. Absolutely not. He was so precious. I loved him to bits and I didn't harm him in any way. I didn't harm my little baby. I loved both of them, more than anything."

A nanny who worked for the Clarks said after the trial that she still believed they were very caring and genuine people. The family's health visitor saw Clark as "a normal, caring, delighted mother".

Both boys were vaccinated, Christopher the day before and Harry on the day of his death, so both were seen by health professionals who noticed nothing amiss.

On Friday, Clark was brought back to Chester crown court to be formally given two life sentences. Outside the court, her husband reiterated that the "nightmare" would not be over until he was able to clear her name.