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# 'Cot death gene' legal challenge by babies' killer

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<http://news.telegraph.co.uk/news/main.jhtml?xml=/news/2000/07/18/napp18.xml>

A SOLICITOR [found guilty of murdering her two baby sons](#) is preparing to challenge her convictions.

Sally Clark will use new scientific findings to question the assertion at her trial that there was only "one chance in 73 million" of both her babies dying of natural causes. The appeal will be based in part on the discovery by researchers at Manchester University earlier this year of a "cot death gene".

Scientists there looked at the DNA of 23 babies who had died from cot death or sudden infant death syndrome and compared it with the genetic make-up of normal babies. In some of the cot death babies, they found a common gene.

John Batt, a solicitor and family friend of Clark, said he was "tremendously encouraged" by the research. He said it would count as fresh evidence which her legal team hopes to present to the Criminal Cases Review Commission before the end of this year.

The commission has the authority to refer the case back to the Court of Appeal.

Mr Batt said: "There are a number of grounds for appeal but the discovery at Manchester University of a cot death gene is of huge significance. It is early days but the initial results of the tests do show that there is considerable grounds for considering that this will be fresh evidence to put before the commission."

Clark was found guilty in November 1999 of smothering 11-week-old Christopher in 1996 and shaking eight-week-old Harry to death a year later at the home she shared with her husband Stephen, 38, in Wilmslow, Cheshire.

She has always [denied the charges](#) but an appeal to the Court of Appeal [failed last year](#).

A joint investigation by BBC Radio Five Live and The Observer published yesterday called into question some of the evidence used to convict Clark at her trial. It suggested that a "climate of suspicion" surrounded women who suffered two or more cot deaths.

The suspicion, it claimed, was partly based on the theory of Professor Sir Roy Meadow, a leading paediatrician, that unless proven otherwise, "two is suspicious, three is murder".

Sometimes known as "Meadow's Law", it had been adopted by lawyers, doctors and police but risked tarring all mothers who suffered multiple cot deaths as murderers.

Professor Meadow, who gave evidence at Clark's trial at Chester Crown Court, told the jury there was "one chance in 73 million" of two babies in the same family dying from cot death.

The investigation team claims that the discovery of the cot death gene in February destroys Professor Meadow's theory. The report also challenges the way in which he used the statistic, which was widely seen as the most damning evidence against Clark.

Dr Stephen Watkins, the director of public health for Stockport, was so troubled by Professor Meadow's evidence that he wrote a report in the British Medical Journal entitled "[Conviction by Mathematical Error?](#)".

Mr Batt said that a number of different aspects of fresh evidence were also emerging, including new research into the vaccinations which both babies were given.