

737

CROSS Billy

From: CROSS Billy
Sent: 11 August 2005 16:41
To: [REDACTED]
Subject: 4.UNCLASSIFIED-All Networks: AS

Dear Doctor Burton,

Further to our telephone conversation today I am requesting a copy of your correspondence with Doctor Sumner in regard to the child we mentioned. We will undoubtedly be in contact again regarding your letter to DCS Wright.

I can be contacted by email, or at [REDACTED]

Thanking you,

Billy Cross

CROSS Billy

From: Dr. John Burton [REDACTED]
Sent: 12 August 2005 09:58
To: CROSS Billy
Subject: Documents PSNI requested
Importance: High

Dear Detective Sergeant Cross

I hope your BroadBand can take this size of document. If not - please give me a FAX phone number to which I can deliver these papers in confidence.

NB---- I am free all day Monday 15th August, Tuesday 16th and Thursday 18th. After that I will be in Dorset, England and then Berlin - returning on 7th September. I am keen to speak with the investigating team before I go off.

PS - some more documents to follow

Dr. John Burton LL M, [REDACTED]

This e-mail is confidential. If you are not the intended recipient please accept my apologies; please do not disclose, copy, or distribute information in this e-mail nor take any action in reliance of its contents: to do so is strictly prohibited and may be unlawful. Please inform me that this message has gone astray before deleting it.

Dr. John Burton MB BCH BAO. B Leg. Sc. LL.M

Home phone: [REDACTED]

Fax [REDACTED]

Mobile phone: [REDACTED]

burlong [REDACTED]

30th July 2005

To: Detective Chief Superintendent Philip Wright, MSSc.

Re: Assistance to PSNI investigation of Adam Strain's death

Dear Chief Superintendent,

I understand that you are currently in charge of criminal investigations into the deaths of Raychel Ferguson and Adam Strain.

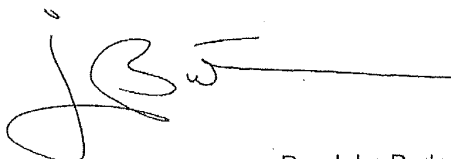
I wish to make myself available to your investigating officers should they consider that I have any useful input to their inquiries. I am a graduate from Queen's University Belfast, initially in Medicine (1973) and most recently in Law (2003) with LL.M (2004). I am continuing my post-graduate law studies, researching for my PhD. In my capacity as an independent medical law researcher I have spent some time analysing the medical documentation which was generated before and after the death of Adam Strain.

If your officers would wish me to speak to them I will be happy to meet with them at a venue of their choosing. Naturally I am reluctant to go into too much detail over the phone, except to arrange a time and date.

I have enclosed my correspondence with the Northern Ireland Court Service and Mr. John J Leckey, the Coroner for Greater Belfast, so that that you may understand something of how I got involved.

I will be in England from 19th to 28th August and in Germany from 2nd to 7th September.

Yours sincerely,



Dr. John Burton LL.M

Dr. John Burton MB BCh BAO, B Leg Sc, LL M

Home phone: [REDACTED]

Fax [REDACTED]

Mobile phone [REDACTED]

burtor [REDACTED]

1st January 2005

To: Dr. Edward Sumner, Consultant Paediatric Anaesthetist

Re: Inquest in the death of Adam Strain- related issues

Dear Dr. Sumner,

You may recall that I introduced myself to you at the Conor Mitchell Inquest at the Belfast Coroners Court. I am continuing my post-graduate legal research into the role of the Coroner in relation to the implementation of the Human Rights Act. I have enclosed copies of my correspondence with John Leckey and the NI Court Service so that you may confirm my credentials. I would encourage you to make contact with John Leckey to verify my *bona fides*. Following my inspection of the Adam Strain Inquest notes,

I spoke to John Leckey about some of the queries I had in relation to the medical issues. He advised me to first contact you for clarification on whether Professor P. J. Berry's report was available to you and if so what conclusions did you draw from his statement that :-

" Transplant Kidney : The kidney shows almost complete infarction.....

COMMENTS:

The transplanted kidney was infarcted (dead). The extent of the change suggested that this occurred at or about the time of transplantation. This could be resolved by enquiries about the fate and function of the donor's other kidney after transplantation."

The inference of Professor Berry's report would seem to be that the transplanted kidney never worked! I feel sure that if your colleague, Patrick Duffy, was to have undertaken this operation he would have ensured that the new kidney's arterio-venous circulation was perfusing well and that there was an observable output of urine. This did not appear to have been recorded.

Yet it would seem unthinkable that the Renal Transplant surgeon for Adam Strain, Mr. Patrick Keane, would not have checked that the new kidney was working. Could he have sewn up the abdomen, knowing that the child's renal transplant had failed? Surely, normal operating procedure would have been to remove a non-function transplanted kidney when it became apparent that it was not going to work.

While both Patrick Keane and Bob Taylor made comments on the complicated nature of the operation and the increased blood loss, I was surprised to find that the Inquest was spared the important details of the surgical difficulties. In contrast, the Paediatric Anaesthetist, Bob Taylor, was expansive in his deposition of nine pages. (Quite frankly, some of his hypotheses would have been unacceptable if he had presented

them for Final Examination in MB BCh. There can be no excuse for failing to have contemporary electrolyte assessments at the start of the renal transplant.)

But Mr. Keane deposed less than one page initially! It is my concern that by 9 or 9.30 am, the operating team were very worried that things were seriously amiss. Your report would suggest that, by then, the pathway to brain stem death was irretrievable. Yet the operating team struggled for almost two more hours and were then surprised when the child did not waken up from the anaesthetic.

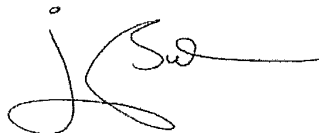
Before I sat down to read the Inquest documents on Adam Strain, I had assumed that this death was the start of the '*Hyponatraemia-related deaths*' and that it was unavoidable in the light of the medical knowledge then in common currency amongst 'non-academic' anaesthetists. I certainly agree that had this opportunity been seized and lessons been learned at the time the consequent deaths may well have been avoided.

From the records, it is clear from his correspondence with the Boards, Trusts, the Northern Ireland Department of Health, and the Chief Medical Officer that John Leakey had been given reassurances that this would be case. After examining Adam Strain's Inquest documents for only four hours, in December 2004, I am convinced that the family's allegations of 'cover-up' and medical collusion would be very difficult to defend in this case. I would not attempt to do so.

In summary, can you confirm that you received a copy of Professor P J Berry's report? If so, what importance did you attach to his reference to the "dead" kidney?

I am keeping the Coroner, John Leckey, informed of my correspondence with you and would be grateful if you would forward him a copy of any reply you choose to send me. I am conscious that the serious work of the Inquiry should not be deflected by any unnecessary diversion of time or resources but I am equally sure that any in-depth inquiry with inevitably focus on this issue sooner or later.

Yours sincerely,



John Burton

Edward Sumner MA BM BCh FRCA

Telephone/Fax [REDACTED]

E-mail [REDACTED]

January 12th 2005

Dr John Burton
[REDACTED]

Dear Dr Burton

I vividly remember meeting you at the inquest of Conor Mitchell.

I was dismayed to receive your letter about the inquest of Adam Strain as I had hoped to conclude my involvement in these cases in Northern Ireland.

I have re-read my report and stand by the contents and the conclusions concerning the mode of death, though I note that I queried that the venous drainage from the head might have made a contribution, as did the pathologist. That there were hyponatraemia and coning is without doubt and that Adam was effectively brain dead by the end of the surgery.

I only attended the first day of the inquest and did not hear Dr Taylor's account. I also did not see Professor Berry's report about the infarcted transplanted kidney. I noted that the pathology report said this kidney was infarcted, but I assumed that this could have happened at any time after the transplant as I had not seen Prof Berry's comments.

In my experience it is not uncommon for the transplanted kidney to fail in the very early postoperative period. It is unthinkable they would have closed the wound if the kidney were not pink and functioning. Sometimes the closure distorts the vascular anastomoses or puts pressure on the venous drainage. In children the transplanted kidney is often relatively large. I could not find any note of the urine volumes passed at any stage. I did note that there was polyuria, but it is not clear when this was. In particular, there is no note I could find of how much urine was being passed at the end of the procedure.

At the end of the procedure when it was found that Adam would not breathe and had fixed dilated pupils, I imagine that the anxieties moved away from the function of the kidney. It is my understanding that Adam was passing urine and that his renal failure was not of the anuric type, but the quality of the urine was so poor he required dialysis for filtration of waste products. If this were the case then urine output could not be used to assess renal function – it would be necessary to look at the urinary electrolytes and see what was happening to the blood urea and creatinine.

To summarise, I still believe that Adam died from dilutional hyponatraemia which occurred during a kidney transplant. The fact that this transplant failed is not therefore relevant, in my opinion. It is unthinkable that they would have closed up the incision if the kidney function was in doubt at that stage.

I hope these remarks are helpful.

Do come back to me if you want more opinion.

Yours sincerely

Edward Sumner
Consultant paediatric anaesthetist

NOT SIGNED :
[E-mailed attachment]
js

From: 'esumner' [REDACTED]

To: [REDACTED]

Cc:

Subject:

Date:

Strain

Jun 09 2005, 02:43 PM

Dear Dr Burton - I'm sure you know but the Public Inquiry is using my reports and depositions. They have asked me to give them copies of the correspondence we had in January this year. I told them you must give permission. Actually I don't seem to be able to find a copy of the letter I wrote to you in reply to yours.

Can you let me know?

All the best - Ted

Dr. John Burton MB BCh BAO, B Leg Sc, LL.M

Home phone: [REDACTED]

Fax [REDACTED]

Mobile phone [REDACTED]

12th June 2005

To: Dr. Edward Sumner, MA BM BCh FRCA

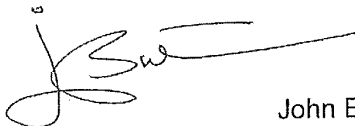
Re: **Hyponatraemic-related Deaths in Children Inquiry's** request for documentation

Dear Dr. Sumner,

In response to your e-mail dated 9th June 2005, please find enclosed all the documents relating to my concerns about the failure to present Professor Berry's written evidence in Court, in Adam Strain's Inquest in 1995.

You have my permission to forward my correspondence to the Inquiry as I believe that this would be consistent with the undertakings I had previously given to the Northern Ireland Court Service. I would wish to provide the Chairman John O'Hara and his staff with every assistance.

Yours sincerely,



John Burton

CROSS Billy

From: Dr. John Burton [REDACTED]
Sent: 12 August 2005 10:04
To: CROSS Billy
Subject: NI Court Service permission
Importance: High

D/S Cross

Some important background papers.

John.

Dr. John Burton LL M, [REDACTED]

This e-mail is confidential. If you are not the intended recipient please accept my apologies; please do not disclose, copy, or distribute information in this e-mail nor take any action in reliance of its contents; to do so is strictly prohibited and may be unlawful. Please inform me that this message has gone astray before deleting it.



19 NOV 2004

George Keatley
Director of Operations

Mr John L Leckey
HM Coroner
Coroner's Office
Courthouse
Old Town Hall Building
80 Victoria Street
Belfast BT1 3GL

NORTHERN IRELAND

**COURT
SERVICE**

Windsor House
9-15 Bedford Street
Belfast BT2 7LT
Telephone: [REDACTED]
Direct Line: [REDACTED]
Fax: [REDACTED]
E-mail: georgekeatley@psni.gov.uk

17 November 2004

John

ACCESS TO INQUEST PAPERS ON LUCY CRAWFORD

Your letter of 11th November 2004 in respect of Dr John Burton's request for access to inquest papers in the Lucy Crawford case has been passed to me in the absence of David Lavery.

I agree with your view that this request should be granted but on the strict understanding that no report can be published without permission of the coroner and this permission will only be granted after the police investigation and inquiry have been completed.

I am also of the view that it would be insensitive to ask Dr Burton to obtain the consent of Lucy's parents at a time when two separate investigations into their daughter's death are ongoing.

If you are content with this approach I assume you will inform Dr Burton accordingly.

Yours sincerely
George Keatley

GEORGE KEATLEY



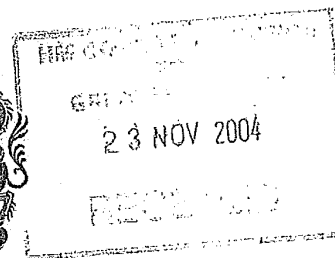
INVESTOR IN PEOPLE

Mr John L Leckey
HM Coroner
Coroner's Office
Courthouse
Old Town Hall Building
80 Victoria Street
Belfast BT1 3GL



NORTHERN IRELAND

**COURT
SERVICE**



CORONERS SERVICE BRANCH

Bedford House
Bedford Street
Belfast BT2 7DS
Telephone: [REDACTED]
Fax: [REDACTED]
Email: coronersservicebranch@[REDACTED]

19 November 2004

Dear John

**ACCESS TO INQUEST PAPERS ON ADAM STRAIN AND
RAYCHEL FERGUSON**

Your letter of 17th November 2004 in respect of Dr John Burton's request for access to inquest papers in the Adam Strain and Raychel Ferguson cases has been passed to me for reply.

George Keatley has already responded in the other related case of Lucy Crawford and therefore it is clear that Dr Burton's request for access should be granted in respect of these cases but subject to the same conditions imposed in the Lucy Crawford case.

If you are content with this approach I assume you will inform Dr Burton accordingly.

Yours sincerely
Eric Strain

Eric Strain



Dr. John Burton

Home phone: [REDACTED]

Fax [REDACTED]

Mobile phone: [REDACTED]

30th November 2004

To: Mr. John Leckey, LL M. H. M. Coroner for Greater Belfast.

Re: Research access to the Inquest documents on
Adam Strain, Lucy Crawford and Raychel Ferguson

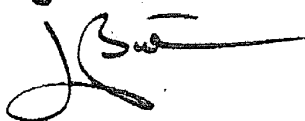
Dear Mr. Leckey,

Thank you for your letter of 23rd November and the attached correspondence from the Northern Ireland Court Service in response to my request for research access to the Inquest documentation on Adam Strain, Lucy Crawford and Raychel Ferguson.

I accept the strict condition that no report can be published without your permission and that such permission will only be granted after the police investigation and inquiry have been completed.

I intend to confer with you on the issues relating to this matter. I will pay close attention to the sensitivities of the families and avoid adding to their distress. Once again, may I thank you for your assistance in this research, without which it would not be possible?

Yours sincerely,



Dr. John Burton



HER MAJESTY'S CORONER

DISTRICT OF GREATER BELFAST

Telephone: [REDACTED]
Fax: [REDACTED]
E-mail: jleckey.rc [REDACTED]

John L Leckey LL.M.
H.M. Coroner
Coroner's Office
Courthouse
Old Town Hall Building
80 Victoria Street
Belfast BT1 3GL
Northern Ireland

Dr John Burton
3 Beechgrove Heights
MAGHERAFELT
BT45 5EF

23rd November 2004

I am enclosing correspondence I have received on behalf of the Director of Northern Ireland Court Service, Mr David Lavery.

Perhaps you would let me know if you are content with the approach outlined.

Yours sincerely

J L LECKEY
HM CORONER FOR GREATER BELFAST

Enc

Dr. John Burton

Home phone:

Fax

Mobile phone:

30th July 2005

To: Mr. John Leckey, LL M. H. M. Coroner for Greater Belfast.

Re: Assistance to PSNI investigation of Adam Strain's death

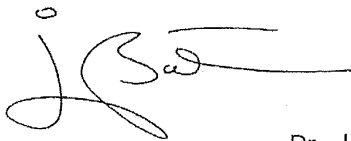
Dear Mr. Leckey,

In compliance with the conditions imposed on me by the Northern Ireland Court Service in our correspondence of November 2004, and which I voluntarily accepted, I wish to notify you that I am writing to the Police Service of Northern Ireland in connection with the PSNI criminal investigation into the death of Adam Strain. I will make myself available to assist their inquiry should the investigating officers consider any input from me worthwhile.

Though you had permitted me access to all the documents relating to the Inquests on Lucy Crawford and Raychel Ferguson, my research interest concentrated on the medical circumstance surrounding Adam Strain's death. In fact, I never examined your files on the late Lucy Crawford in your office.

I will also send a copy of this letter to Mr. David Lavery of the Northern Ireland Court Service, for his information,

Yours sincerely,



Dr. John Burton

cc. David Lavery, Director, Northern Ireland Court Service, Windsor House.

CROSS Billy

From: CROSS Billy
Sent: 12 August 2005 11:45
To: [REDACTED]
Subject: : RE: NI Court Service permission

Dr Burton,

Thank you for your swift reply. I have received two emails with attachments, all of which have opened successfully. I have forwarded them to DCI Woods and will discuss further action with him.

Billy Cross

-----Original Message-----

From: Dr. John Burton [REDACTED]
Sent: 12 August 2005 10:04
To: CROSS Billy
Subject: NI Court Service permission
Importance: High

D/S Cross

Some important background papers.

John.

Dr. John Burton LL M, [REDACTED]

This e-mail is confidential. If you are not the intended recipient please accept my apologies; please do not disclose, copy, or distribute information in this e-mail nor take any action in reliance of its contents: to do so is strictly prohibited and may be unlawful. Please inform me that this message has gone astray before deleting it.

04/04/2006

AS - PSNI

094-253-1213

CROSS Billy

From: CROSS Billy
Sent: 12 August 2005 12:27
To: [REDACTED]
Subject: 4.UNCLASSIFIED-All Networks: RE:

Dr Burton,

Yes that was received and opened successfully.

Billy Cross

-----Original Message-----

From: Dr. John Burton [REDACTED]
Sent: 12 August 2005 12:24
To: CROSS Billy
Subject:
Importance: High

D/S Cross

Did you receive this important background doc?

John (Burton)

04/04/2006

AS - PSNI

094-253-1214