

37-4: Letter to the Editor

In your September/October, 2011, issue of LawNow, there was an article, “Whatever Happened To ... The Prosecution of Susan Nelles,” by Peter Bowal and Kelsey Horvat, discussing one of Canada’s most fascinating and significant medico-legal cases. It noted in the final paragraphs, the possibility that a chemical, MBT, from the natural rubber components of syringes, drug ampoules and IV apparatus, caused false high readings on the medical tests. This article alluded to a November 1994 article I had written in The Lawyers Weekly, “It’s Time for Justice for the Sick Kids Nurses.” It was written under the heading, “Opening Statement,” giving an opportunity for arguments against the presented facts. Gordon Killeen, a respected judge in London told me that, in terms of jurisprudence, this article became the “final word” on the subject, since no letters were received by the editor criticizing the conclusions.

You are probably unaware that I wrote a book, *The Nurses are Innocent – The Digoxin Poisoning Fallacy* (Dundurn Press, Toronto), which was published the month following the publication of the Bowal/Horvat article. This book reads like a medical science mystery, but is indexed like a law article. It details how the false interpretations of autopsy digoxin came about.

What may be fascinating to LawNow readers is that there was ample evidence to prove that there were no murders and that it appeared that someone behind the scenes was strongly promoting the murder theory and could have been responsible if Susan Nelles had been wrongfully convicted of murder. As pointed out in the final chapters, a young pathologist, Dr. Charles Smith, had been hired by the hospital at the very beginning of the false digoxin poisoning theory, with an expressed desire to do autopsies on children who had died suddenly. As Judge Gouge pointed out in “The Inquiry into Pediatric Forensic Pathology” in Canada, October 2008, Charles Smith’s forensic testimony for the prosecution was responsible for many false accusations of murder and many false guilty convictions and imprisonments.

I thought you and your readers would have an interest in this material. I believe law libraries have copies of my book.

Sincerely,

Gavin Hamilton