

## "I knew Sally was innocent"

**Lawyer Marilyn Stowe, who helped to clear Sally Clark of killing her babies, talks to Mary Hampshire**

**May 1st 2003**

**The Times**

When Sally Clark was given two life sentences for the murder of her two young sons, the last thing she and her husband Stephen wanted was a divorce lawyer. They knew that she was innocent, and each day that Sally, a solicitor, spent behind bars caused Stephen terrible pain. In the end though, a divorce lawyer was just what the couple needed - to free them from the Kafkaesque nightmare that had enclosed them when Sally was jailed in November 1999 for the deaths of 11-week-old Christopher in December 1996 and eight-week-old Harry in January 1998.

Until she stumbled on the case of the Clarks in her Sunday newspaper, Marilyn Stowe, 48, had never practiced criminal law, and she had certainly not carried out any pro bono work. Professional life for the lawyer from Leeds revolved around negotiating expensive divorce settlements for celebrities, the aristocracy and business people, and she was very good and very successful at it. "My fees are very steep," she concedes. "I'm one of the most expensive divorce lawyers around." But something in the Clarks' case seized her professional and personal attention and wouldn't let go. "From a legal stance, the case did not make sense. The medical evidence was an absolute mess and riddled with inconsistencies."

But what really jarred was the way that the prosecution had painted Sally, 38, as a selfish, alcoholic, career-obsessed woman who had murdered her children because they had stood in the way of her career and her figure. "It wasn't convincing and I empathised with her," Stowe says. "I'm a lawyer, I'm a mother and I'm married to an extremely hard-working solicitor. I know what it's like to have a career and juggle it with family life. The whole thing blew up in their faces. If this could happen to them it could happen to anyone."

Unable to shake off a sense of unease about the case, but not clear how she could help, she contacted the Clarks and told them that the services of Grahame Stowe Bateson (the firm she had set up with her husband Grahame, a criminal lawyer) were at their disposal. She first met Stephen Clark over breakfast at the London hotel One Aldwych. "I wanted to weigh him up because it felt like a risk and I wasn't sure what I might be getting myself into. He was very driven, operating at 20,000 mph. Sally had already lost one appeal. He was willing to pursue every lead to get Sally out. Every second she was in prison clearly caused him the most terrible pain. Once I'd met him, I was in no doubt I wanted to proceed. But I sat there wondering what on earth I would be able to do."

She wrote to Sally in prison to say that she was offering her support. On July 9th 2001, Sally wrote a touching letter, saying that she loved her two boys and hadn't lost faith in her abilities as a wife and mother. Stowe was spurred on. It was the success of her practice, and the backing of her team, that gave her the time to devote to the case. And she discovered that solid detective work is solid detective work whether it is carried out in family or criminal law. "I have cases where I'll pull a rabbit out of a hat at the last minute," she says. "For example, I may come across some hidden property that has not been disclosed or some finances that have been concealed. Seemingly innocuous small things can lead to much bigger developments."

Such a rabbit was lurking in Sally's case, and Stowe was about to pull it out of the hat. At first, she appeared to be following a hunch against all the odds – the most daunting of which was the prosecution evidence from the eminent paediatrician Professor Sir Roy Meadow that the chance of two siblings dying from cot death was one in 73 million. Stowe was undeterred. "There were lots of details that didn't add up. I wasn't convinced by the statistic 73 million to one."

At first, she followed a couple of leads provided by Stephen, and drew blanks. Because the medical evidence was such a mess, her instinct told her that the answer lay in that direction. She spent time trying to track down the apnoea monitor that the couple had been given for Harry under the national Care of Next Infant scheme after the death of Christopher, their first son. With this device, an alarm sounds if a baby's breathing stops for more than 20 seconds. Stephen said that it had sounded several times in the week before and on the day that Harry died. At issue was whether the monitor had been faulty or if it had been signaling that something was wrong. Either way, this proved to be a blind alley. Stowe was pushed from pillar to post and was never able to track down the device.

Meanwhile, there was the question of whether the babies had suffered carbon monoxide poisoning from a faulty gas fire at the couple's home. It was only when Stowe tried to get hold of the results of the blood test carried out on Harry at Macclesfield Hospital on the day that he died that she realised the couple had had no access to their son's medical notes. "It seemed inconceivable to me that the Clarks had tried to fight a murder case without seeing them. I understand that the defence team had tried to get them but failed." On October 25<sup>th</sup> 2001, Harry's notes duly arrived at Stowe's office, and she passed them on to a medical expert for interpretation.

Six months later Stowe was in London when her mobile phone rang. It was John Batt, a solicitor friend of Sally's father. Stowe left a meeting and sat on the stone steps outside to take the call she would never forget. "John said: 'I've got some news for you. How does it feel to be the woman who's going to get Sally Clark out of prison?' All I could say was: 'I beg your pardon?'" The critical piece of evidence that they had unearthed had nothing to do with the gas fires or apnoea monitors. Buried among the hundreds of pages of medical notes was a

microbiology report that revealed a lethal bacteria in parts of Harry's body, including his brain, showing that his death was probably from natural causes. Dr Alan Williams, the Home Office pathologist who had carried out the post mortems on both babies, had failed to mention this test to the prosecution or defence during the trial, and the jury therefore had no knowledge of it.

"I was so pleased but I was also shocked," Stowe says. "I thought that we'd have to prove death by natural causes not discover that evidence already existed that proved it." On January 29<sup>th</sup> 2003 the Court of Appeal cleared Sally. The appeal judges said they did not believe that Williams had deliberately concealed information, but that he had fallen a long way short of the standards expected of someone in his position. A few days later, Stephen wrote to thank Stowe for the dogged determination that had unearthed the vital evidence that finally won Sally's appeal. Dr Glyn Walters, a pathologist who advised the defence in this second appeal, described Stowe's intervention as stroke of luck, and it was a sense of a bad hand dealt by fate that first drew Stowe into the case. "It was deeply satisfying to be able to help put right a nightmare, something that had gone so terribly wrong," she says. "I was motivated purely by altruism. I know you don't hear that very often from a lawyer – but I was so moved by what happened to the Clarks. It made me realise that there but for the grace of God go all of us."