

Professor Brian Livesley MD FRCP

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18 December 2003

The Chief Constable
Hampshire Constabulary Headquarters,
West Hill,
Winchester,
Hampshire,
SO22 5DB

Dear Mr Kernaghan

Operation Rochester
Appraisal of Medical Expert Report (ref: Richards - BL/ med rep Jul 01)

Various members of your Force involved in Operation Rochester have moved on since I submitted the medical expert report cited above.

Following my involvement in this investigation I have completed many other invited reports for other Constabularies and HM Coroners.

In order to further develop and maintain a satisfactory standard in my report writing as a medical expert, my mentor is using the comments provided about the final reports I have presented in my personal professional appraisal.

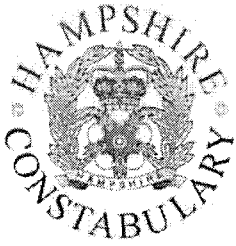
I would be grateful if you could kindly let me have a few lines about the contributions, if any, you think my final written report (submitted some 30 months ago, on 10 July 2001 (ref: Richards - BL/ med rep Jul 01)) has made to the investigation.

To assist you, my request does not refer to the preliminary report dated 9 November 2000, which was solely an invited 'Initial medical report for discussion only' (ref: Richards BL0911/ med rep 01/ 09 Nov 00) that was withdrawn and replaced by my final report.

I look forward to hearing from you.

Yours sincerely

Brian Livesley



That report was therefore of no help to the investigation or to any prosecution that may arise at that time, indeed it hindered that process and it was necessary to engage further experts to review the same material.

The report of 10 July 2001 made following the meeting with counsel has little value either investigative or evidentially produced as it was following the identification of significant flaws in the earlier report.

Indeed one of the assertions in the report, that Mrs Richards died as a result of the administration of drugs, is a repeat of an assertion in your earlier report, which in the meeting of 19 June 2001, I understand you accepted had no evidential basis, no further evidence is provided in your second report to support that assertion.

NOT
TRUE!

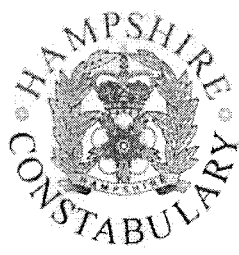
It is not possible in criminal investigations for information or documents to sit in isolation your report of 9 November 2000 made clear assertions which were not capable of substantiation, that report cannot be put aside and the second report of 10 July 2001 substituted.

In the circumstances, I have to tell you that your reports were unhelpful to the enquiry, in that they gave conclusions not supported by evidence. Further, in my position as Head of CID I have decided that the Hampshire Constabulary will not engage your services in this regard in the future.

I trust that this clarifies the situation.

Yours Sincerely

Steve Watts
Detective Chief Superintendent
Head of CID



Gasped!

*What a appalling mess they all made of it
includes
Treasury Counsel*

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*A cooked outcome
in key opinion - if ever
there was one*

26 January 2004

18/21 2011!

Dear Professor Livesley

Re Appraisal of medical report (ref Richards - BL/ med rep Jul 01)

I refer to your letter to the Chief Constable dated 18 December 2003, in which you request feedback in respect of the above report provided in respect of Operation Rochester, being conducted by the Hampshire Constabulary.

I am the current Senior Investigating Officer in the investigation Operation Rochester. I have had sight of your reports provided in this investigation, and have had the opportunity to speak with Officers who previously had responsibility for the investigation.

You specifically ask in your letter that we refer only to your report dated 10 July 2001 (ref Richards - BL med rep Jul 01). It is impossible to do so since that document was produced following a meeting with the Senior Investigating Officer and counsel that took place on 19 June 2001, when matters of evidential concern were raised. The key report in this investigation was the one that you prepared in respect of these matters on 9 November 2000.(ref Richards BL0911/ med rep 01/09/ Nov 00). The matter must be taken holistically.

It is not my understanding, as you state that the report of 9 November 2000 was a note for discussion. I believe that it was made clear to you that it was the basis upon which your witness statement would be produced and further, upon which enquiries and decisions as to prosecutions were to be formed.

Your 9 November 2000 report was comprehensive and detailed, however when you met with the Senior Investigating Officer and Treasury Counsel, on 19 June 2001, the detail of the report was tested and you were not able to evidentially substantiate many of the assertions that you made.