



JUDICIARY OF
ENGLAND AND WALES

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-v-

Joseph Eke

In the Crown Court at Winchester

5th June 2017

Sentencing remarks of Mrs Justice May

Joseph Eke, you were convicted after a trial of murdering Harry House, a child aged 2 ½, also of one count of inflicting grievous bodily harm to him in the days beforehand. You were acquitted of two other assaults against him.

The law prescribes that the only sentence for murder is one of life imprisonment. I am also required to specify the minimum term which you must serve before being considered for release. I shall treat the s.20 offence as an aggravating feature and pass a concurrent sentence for that offence.

Facts

At 0944 on 26 May last year Lauren O'Neill called an ambulance to her house in Broadmayne where her son Harry House had collapsed. She had left him playing happily 15mins before, now he was unconscious, unresponsive. He was taken to hospital but nothing could be done and Harry was declared dead at 11am.

A post-mortem showed that Harry died from catastrophic injuries to his abdomen and internal organs. He had sustained a blow or blows to his tummy of sufficient force to cause his pancreas and vena cava to be pushed against his spine, bisecting the pancreas and tearing a hole in the vein. He had also sustained a fractured skull and brain injury, together with facial injuries consistent with his having been struck to the face causing his head to fly back and hit a hard surface. The head injury would itself have been life-threatening had his abdominal injuries not caused Harry's death first.

There was never any question of these injuries having been caused by accident. There were only two adults with Harry in the house that morning – his mother and you. You maintained that you had done nothing to Harry, your defence, by implication, was that Harry's mother must have killed him.

The jury unanimously rejected your defence, finding that you inflicted those injuries and further that, when you did so, you intended to cause Harry very serious injury or death.

Until March last year Harry lived with his mother at a flat in Sturminster Newton. There were no concerns about him, he had passed all his developmental milestones and appeared well cared for. His mother and father had separated at the end of 2015 and his father had moved out. In January 2016 Harry's mother started a relationship with you. On 21st March 2016 she and Harry moved to a little terraced house in Broadmayne, near Dorchester, and you joined them there.

Six days after moving in to Broadmayne, on Easter Sunday, Harry sustained a very serious cut to his face. You were alone with him at the time. Then and since you maintained that it was an accident, that Harry tripped and fell onto a plate. The jury acquitted you of causing or inflicting that cut, in sentencing you today I make it plain that I disregard that injury. The long cut to his cheek is, nevertheless, part of the story of Harry's last months.

You were not at home for either of the visits made by a social worker after Harry sustained that injury. Harry's mother reported to the social worker that everything was fine, that your relationship with her and with Harry was very good. The social worker did not ask to see Harry undressed, being satisfied with the account given by Harry's mother.

A rather different story of your relationship with Lauren O'Neill emerged when you gave evidence. You said that she treated you like a dog, that she had lied when she said that you had arguments but soon made up and everything was good again. Your evidence suggested a much more strained and difficult relationship, accompanied by a great deal of resentment on your part. You were plainly jealous of her ex-partner, Harry's father. You did not get along with Lauren's family.

I concluded that you took out your anger and your bitterness with Lauren, with her ex-partner and perhaps also with her family, on her son. On his death Harry was found to have bruises all over his body, together with fractures to his ribs dating from 1 1/2 to 4 days prior to his death. The medical evidence was that these fractures, given their location and nature, were non-accidental injuries: by their verdict on Count 4 the jury were plainly satisfied that you inflicted them.

The third count on the indictment concerned other rib injuries falling short of fractures identified as having been sustained on another and different occasion. The bone pathologist at trial accepted that these might have been sustained upon Harry slipping on the stairs and falling the week before his death; on my direction and upon the prosecution offering no evidence the jury acquitted you of that count.

I am quite satisfied notwithstanding these two acquittals that the occasions giving rise to the rib fractures and the assault causing Harry's death cannot have been two isolated incidents. No one will ever know the full extent of your mistreatment of Harry over the last days, possibly weeks, of his life, but the absence of any identifiable trigger on the morning of 26 May, combined with the earlier rib fractures and the extensive bruising of various ages found all over Harry's head, ears and torso, suggests very powerfully that all was not well during the time you were living with him and Lauren in Broadmayne, despite what Lauren told police and social workers at the time about the state of your relationship and your affection for Harry. Lauren, very sadly, was clearly too bound up in her own difficulties and in her relationship with you, to notice or to acknowledge what must have been happening; when one of the doctors who examined Harry's body immediately after his death asked about the marks on Harry's head and body Lauren suggested that your boisterous puppy might have caused them. Giving evidence at trial the same doctor observed that it was very concerning to her that the child's mother had not sought medical advice for such extensive bruising, that most people with a child who had such marks would ask for reassurance that they could have been caused by the dog and not by something or someone else. I do not fully accept, therefore, what your counsel submitted was uncontested evidence about the nature of yours and Lauren's relationship - your own evidence contradicted that – or of your relationship with her son.

There was some evidence to suggest that Lauren might herself have started to have concerns – the day before Harry's death she had sent a picture of the bruising on his back to her mother showing her, questioning perhaps, at some level, whether it could all have been attributable to a fall downstairs. But when her mother sent back a shocked response, suggesting that it looked like abuse, Lauren turned away the comment with a joke; so if she had any early concerns, she was suppressing them, in denial.

On the morning of his death Lauren had got Harry up, showered and dressed him and left him tidying his blocks upstairs in his bedroom whilst she came down to tidy and make breakfast. She found that she had forgotten washing powder on an earlier trip to the shop so went back out to get it, leaving home around 0925 coming back at around 0930. CCTV at the shop shows her coming in, paying and going out again, unconcerned, unsuspecting, happy. When she got back she carried on making breakfast and asked you to go up to check on Harry. Either during the minutes when she was at the shop, or when you went up at her request after she got back you attacked Harry inflicting on him the injuries from which he died. The words you unwittingly used to police when they confronted you with the full extent of Harry's injuries are revealing, giving perhaps the best account of what might have happened: "that sounds like someone's trampled over him, chucked him around and smashed his head off the wall", you said. And later in the same interview "We didn't pull him round the room, kicking and punching him, chucking him up and down...". These were your words, not those of the police, when talking about Harry's injuries and how he might have come by them.

Effect on others

Any untimely death is a tragedy; it is particularly wretched when an innocent child dies: their childhood and their life still ahead of them, all that potential unrealised. The Victim Personal statements, parts of which were read out just now, speak clearly to the harm you have done to Harry's parents and both their families.

It was Harry and his family's profoundly bad fortune that you came into their lives: you were in the wrong place at the wrong time, for that little boy and for them. The court saw and heard from Lauren and her mother during the trial; it was plain how sorely they felt and still feel their loss. Harry's father and his paternal grandparents were not called upon to give evidence, but their loss is just as great. They were here every day, their dignity and restraint in the face of their loss was admirable.

I would also like to commend the police for their systematic, painstaking and calm approach to what must have been a very difficult and in many ways distressing investigation: in particular Case Officers DS Mark Fossey and DC Steve Pryce, Family Liaison Officers DC Lynn Cameron and DC Jane Matthews and the Senior Investigating Officer DCI Sarah Derbyshire.

Minimum term – considerations and conclusion

Schedule 21 to the Criminal Justice Act 2003 sets out the approach I must adopt when setting the minimum term. The applicable starting point set out in Schedule 21 is 15 years but this is not necessarily the end point. In setting the minimum term which you must serve I have to consider and balance out the various aggravating and mitigating features which apply in your case.

Harry's youth and vulnerability – at your mercy, in the house you shared with his mother, are both seriously aggravating features. Your counsel has submitted on your behalf that there was no breach of trust, that you did not exploit your position in order to kill Harry. I accept that submission to the extent only that I do not believe your attack on Harry to have been premeditated. Nevertheless, you were a de facto carer for him, living with his mother as you did. Your account to police and at trial asserted a carer's role inasmuch as you claimed to have loved Harry, changed his nappies, fed him, taken him to the park. You may not have taken advantage of that role in order to kill Harry, but living with, having shared responsibility for, a toddler is on any ordinary understanding a relationship involving very serious trust on the part of the adult. You wilfully, fatally failed Harry on 26 May last year when you assaulted him, taking his life.

Having heard you give evidence, I am satisfied that you did not intend to kill Harry when you assaulted him. I believe that your shock and upset at the house when paramedics attended, and afterwards when you were told of his death, were genuine, indicating that you did not expect Harry to die and had not intended that he should.

Your own youth is some mitigation: at 22 you are still young. You are not of previous good character. You were convicted of robbery when you were 15 and of an assault on Lauren some two months after Harry's death, but these are sufficiently different offences that I do not propose to treat them as aggravating circumstances. You mentioned in your evidence having been in foster care for some years from the age of 11 – when the jury asked why you said that you had been "too naughty" for

your mother. So there was clearly a troubled passage when you were a young teenager, you have also described being addicted to class A drugs, which provides further confirmation of a certain mental fragility. Only you can know the extent to which this contributed to your cruelty to Harry.

Taking all this into account the minimum term in your case will be one of 18 years in custody, including the time you have spent on remand. That is the equivalent of a 36-year determinate sentence. I shall specify the time you have spent in custody on remand but if that proves to be inaccurate it can be amended administratively.

Stand up please. Joseph Eke, for the murder of Harry House the sentence is life imprisonment. You will serve a minimum term of 18 years, less the period of 235 days you have spent on remand. After that it will be for the Parole Board to determine whether and if so when you should be released. If and when you are released you will remain on licence, liable to recall if you commit any further offences or breach the terms of that licence, for the rest of your life.

For the s.20 offence of inflicting grievous bodily harm the sentence is 2 years, to be served concurrently.

The surcharge provisions apply, the court will draw up the order for payment.

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