

The Queen

-v-

Doulton Phillips

Alannah Skinner

Winchester Crown Court

21st December 2018

Sentencing remarks of Mr Justice Spencer

1. You may both remain seated for the time being.
2. Doulton Phillips, I have to sentence you for the murder of your six week old son Reggie. Alannah Skinner, I have to sentence you for the wilful neglect of your son Reggie in the hours before he died.
3. Reggie was born on 30th December 2017. He was 6 weeks and 2 days old when he died. He lived with you, Alannah Skinner, in an accommodation unit for new parents in Defender Road, Southampton, in a self-contained one bedroomed flat. It was, in effect, a bed sitting room with a separate kitchen area and a bathroom. You, Doulton Phillips, were staying most nights as well. There was an office on site which was staffed for part of the day two or three days a week, but there was no on-site supervision at night or at weekends.
4. Reggie was a delightful, perfect, much wanted and much loved baby. He had grown over his short life to weigh 9 lbs 3 ounces, and measured just under 22 inches top to toe. No words of mine can convey the utter tragedy his death represents for the families involved. Not only have they lost Reggie. They now have to come to terms with the fact that his father has been convicted of his murder, and his mother has been convicted of his wilful neglect.
5. I deal with you first, Doulton Phillips. You are now aged 17 years 9 months. At the time of the offence you were still only 16 years old, just 6 weeks short of your 17th

birthday. For murder there is only one sentence, life imprisonment, and that is the sentence I shall pass upon you in due course. Because you were under the age of 18 when you committed this murder your sentence of life imprisonment must be expressed as detention at Her Majesty's Pleasure, but it means exactly the same thing as life imprisonment. I am required by law to fix the minimum term you must serve in custody before you are eligible even to be considered for parole. In schedule 21 to the Criminal Justice Act 2003 parliament has provided that for someone who was under 18 at the time the murder was committed, the starting point is 12 years. That is the starting point but it is not necessarily the finishing point. I have to assess and weigh the aggravating and mitigating factors in arriving at the appropriate minimum term in your case.

6. You did not have the advantage of a secure and stable upbringing. It is plain from the report of the mental health service nurse, Sarah Jones, dated 4th December 2018, that you were neglected by your mother as a child, and brought up in a household where alcohol and violence were ever present. You were yourself the victim of neglect. You began abusing alcohol and cannabis when you were only 12 or 13 years old. Despite this you made good progress in your final year at school and found employment for a while.
7. I accept that when Alannah Skinner told you she was pregnant you were genuinely pleased and supportive of her. Sadly, however, the prospect of becoming a father did not curb your drinking. You had already shown signs of developing a serious problem of aggressive behaviour when in drink. Even before Alannah became pregnant you had been referred by your GP to the child and adolescent mental health service in January 2017 for low mood and anger problems. You had recently smashed up your mother's flat. No mental illness was evident. You were offered anger management counselling but you turned it down.
8. That aggression, fuelled by alcohol, became very evident on 27th October 2017 when you pushed Alannah over in the street in the early hours of the morning, causing her injuries to her face and hands. You had both been at a family party at her sister's where you had become jealous of the attention you wrongly thought she was receiving from another man. What made the assault all the more serious was that she was 7 months

pregnant at the time. You had been drinking heavily. You made hurtful comments to her to the effect that you did not believe the child she was carrying was yours. You promised it would never happen again. She took you at your word and forgave you, but she warned you that if it ever happened again it would be the end of your relationship.

9. When Reggie was born you were, to outward appearances at least, a doting father. However, within a week of his birth, you were out drinking again on the night of 6th January, getting into a violent confrontation in the street with a friend and behaving aggressively towards police officers and ambulance personnel. You had to be arrested. You recognised that when you drank to excess, particularly spirits, there was no knowing what you were capable of doing. You said as much in a text the following day. There was a repetition of similar alcohol fuelled aggression on 29th January at the flats in the early hours of the morning when you again had to be arrested.
10. Your relationship with Alannah was stormy. When she moved into her own flat at the mother and baby unit in Defender Road you moved in with her, although you were not supposed to stay more than 2 or 3 nights a week. On the evidence of other residents at the unit there was almost constant noise and arguing from her flat, none of which can have been conducive to Reggie's wellbeing.
11. From the expert evidence of the bone pathologist, Professor Mangham, it is clear that Reggie was subjected to non-accidental injury resulting in fractures on at least two previous occasions over a period of several days before the fatal night. There was very forceful squeezing of the ribs on the earliest occasion, resulting in a single fracture to the 9th posterior rib. On the other occasion there were fractures to the growth plates at the ends of the bones of his arms and legs, where bone was pulled away from cartilage. You were never charged with any offence in relation to those injuries, but I am quite sure that you caused them, probably when you were alone with Reggie whilst Alannah was away from the flat for short periods of time of an evening attending to the laundry downstairs. They provide part of the background to the fatal injuries, not least because it means that you cannot be treated as an otherwise blameless doting father for whom the outburst of extreme violence towards his child on the night he died was totally out of character.

12. On the night of Saturday 10th February you and Alannah took Reggie downstairs to the party at Abbie Wheavil's flat. It was a wholly inappropriate environment for a six week old baby. You were drinking heavily, and drinking vodka as well as beer, but not to the extent that you did not know what you were doing. You were jealous of Alannah speaking to other men. It was after 1.30 in the morning that you and Alannah returned to her flat with Reggie. The party continued in her flat for an hour or so with three other men present. I have no doubt that your jealousy was inflamed even further by what you perceived as her interest in these other men, albeit entirely misplaced. They left the flat at 2.30 a.m. as the CCTV showed. At that point Reggie was fit and well. Over the next two hours you brutally assaulted him causing his fatal injuries, and many other injuries as well, with the result that by the time an ambulance was called at just after 5 a.m. he was beyond saving.

13. The injuries you inflicted on this six week old baby were truly appalling. The jury were spared the photographs of his injuries. I regarded it as my duty to look at them. Your own description of his visible injuries when you saw and held him at hospital after he had died, was that he looked as though he had been beaten up. That was an apt description. The invisible injuries were far more serious. He had suffered a very extensive complex fracture of the skull consistent only with extreme blunt force impact with a hard surface. There was associated devastating irreversible brain damage. The brain stem had been stretched precipitating a cardiac respiratory arrest. There was bilateral subdural bleeding on the surface of the brain and subarachnoid bleeding. There was subdural bleeding in the spine as well. There was bleeding in the spinal nerve roots caused by the spine moving with excessive force on bending or twisting. There was axonal injury in the brain stem where the head had been flexed and extended or twisted in a violent manner. All these injuries, in the opinion of the neuropathologist, Dr du Plessis, were the clearest evidence of violent non-accidental injury.

14. Reggie had sustained a spiral fracture of the left femur caused by twisting the leg and metaphyseal fractures at the lower end of the fibula, above the left ankle. This combination of brain and leg injuries was extremely unusual. The only way they could be explained, in the opinion of the very experienced paediatrician who gave evidence, Dr Evans, was that you had swung Reggie by the leg or legs and smashed his head

against a hard surface. Such wicked cruelty towards a helpless tiny baby is almost beyond belief but I am satisfied that it must be the reality of what happened.

15. It is supported, regrettably, by other evidence of your callous brutality in those last hours of Reggie's life. You bit through his nose causing a gaping wound which bled profusely. Dr Evans had never seen anything like it in his 40 years of clinical practice. The infliction of that injury would have required biting with full force as hard as possible. Nor were these the only injuries inflicted in that short space of time. You had gripped him so hard by the upper arms as to cause livid bruising and you must have squeezed him hard enough to cause three rib fractures at the front and one at the back. There were other fresh injuries elsewhere on his body, in particular bruising below the right jaw and behind both ears, areas described by the medical experts as red flag indications of non-accidental injury.

16. The only conclusion on all the evidence is that you carried out a violent and sustained attack on Reggie. By the jury's verdict you intended to cause him at least really serious injury. You accepted in cross-examination that anyone swinging a baby and smashing his head against a hard surface in this way must intend to cause really serious injury if not to kill him. You may have been affected to a degree by the amount of alcohol you had consumed that night, including vodka as well as beer, but you knew what you were doing. There is no indication in the CCTV evidence that you were unable to walk normally. You are seen walking purposefully carrying Reggie back to the flat from the party at Abbie Wheavil's at 1.36 a.m., walking purposefully to and from the flat at around 3.40 a.m. eating toast, and walking purposefully away from the flat at 4.26 a.m. and returning at 4.44 a.m., vaulting over the locked gate with no difficulty on your return

17. Before you directed your violence on Reggie in the early hours of that morning you had already been violent towards Alannah Skinner. I have no doubt that your aggression towards Reggie, fuelled by alcohol and quite possibly also by cocaine, was an outpouring of temper and jealousy. You argued long and hard with Alannah during the fateful two hours between 2.30 and 4.30 a.m., in the course of which you were again questioning Reggie's paternity. I am driven to conclude that this must have been part at least of what was going through your mind when you attacked him.

18. It is plain from the forensic evidence of blood staining to three separate babygrows that after you had bitten through his nose and thereby caused the only injury which bled, he was changed out of the now bloodstained babygrow he had originally been wearing. His blood was on that baby grow back and front, inside and out. In all probability he was changed again when the second baby grow also became bloodstained. His blood was found on that one as well, front and back, inside and out. There was contact bloodstaining on the upper left arm of that baby grow coinciding with a C shaped mark on the skin of his arm beneath, probably indicating that you had gripped him there with a bloodstained hand. By the time the paramedics arrived in response to the 999 call soon after 5 a.m. Reggie was wearing a third babygrow, also bloodstained inside and out, front and back.

19. I am quite sure on the evidence that all this demonstrates that the injury to the nose must have happened early on in the sequence of events and that the fatal injuries must have been inflicted somewhat later, almost certainly around 3 a.m., when neighbours across the road heard the gut wrenching screams of a baby. That also ties in with the evidence of Professor Mangham as to the timing of the skull and femur fractures being caused at least two hours before death, so 3.45a.m. at the latest. It was at 3.41a.m. that you left the flat and the CCTV shows you eating toast almost defiantly looking into the camera with a demeanour suggestive of elation as if you were “bouncing”.

20. You took no steps to summon medical assistance. You left the flat later again for nearly 20 minutes. When you returned I have no doubt that you were overcome with the enormity of what you had done. You carried out CPR on the instructions over the telephone from the 999 controller. You pretended that Reggie had fallen from the sofa and banged his head, but when Reggie and Alannah had gone to hospital you confided in Abbie Wheavil “What have I done?”. Despite the state of shock you must have been in you carried on the same pretence for the benefit of the hospital staff and police officers watching as Alannah nursed Reggie’s body, saying that he had fallen accidentally and struck his head. You maintained that account when you were first interviewed by the police, changing it the following day to the suggestion that you had accidentally dropped Reggie whilst you were arguing with Alannah. You let your guard drop when you spoke to your mother on the telephone from prison on 12th March

suggesting that you had not been in control when “it” happened because of drink and drugs. It may well be that you now have little or no recollection of the precise detail of what you did to Reggie as a result of traumatic amnesia, so horrific were those events, but at the time you were in control of your actions and fully responsible for them. In cross-examination you accepted that when you had been drinking spirits you were very likely to become aggressive and jealous. Despite knowing of that risk, you carried on in the same way that night, with fatal consequences.

21. Having set out my findings I turn to consider the aggravating and mitigating factors. There are several aggravating factors.
22. First and foremost, Reggie was particularly vulnerable. He was a six week old baby.
23. Second, you grossly abused your position of trust as his father. Your duty was to protect hm. Instead you assaulted him brutally and killed him.
24. Third, because this was a sustained attack the child must have endured physical suffering before his final collapse.
25. Fourth, this was not isolated violence towards Reggie. On at least two previous occasions you had subjected him to excessive force causing fractures to his ribs and his limbs. The oldest fracture to the ninth posterior rib was five to twelve days old. Very considerable force is required to cause a posterior rib fracture in a baby as Professor Mangham explained. You may not have known you had caused him such a serious injury but it would have been obvious to you that you had hurt him. There were more recent rib fractures and other fractures, mostly one to three days old, including two further posterior rib fractures and eight anterior rib fractures. There were metaphyseal fractures at the ends of the bones of the left and right upper arms and the left and right thigh bones, caused by pulling on the limbs, by grabbing the feet or arms and swinging him by those limbs generating the necessary force to pull the bone and cartilage apart at the joints.
26. Fifth, it is an aggravating factor that despite knowing, in your own words, that you could be capable of anything after drinking spirits, you did just that. That you committed this murder in drink is itself an aggravating factor.

27. This combination of aggravating factors requires, in my judgment, a significant increase from the starting point of 12 years.
28. Balanced against that, there are mitigating factors.
29. First, I accept there was no intention to kill. However, in view of the ferocity of the attack and the near inevitability that it would be fatal, this is a case where lack of intent to kill can afford only limited mitigation.
30. Second, I accept that the fatal attack was not premeditated. It arose on the spur of the moment, in temper and in drink. Again, however, for the reasons I have already explained, it cannot be regarded as a completely isolated outburst of violence in view of the other injuries over the past week or so which you had inflicted on Reggie .
31. Third, your age is a mitigating factor. You were still only 16 at the time, nearly 17. It is well established that immaturity as well as chronological age must be taken into account. In my assessment, on all the material before me including the report of the mental health nurse, and having seen you give evidence and listened to your conversation with your mother from prison, my conclusion is that you were mature beyond your years. Your life had been tough, and you had been neglected and abused but you had learned to stand on your own two feet. You were streetwise. You were old enough to father a child and to understand the responsibilities of parenthood. Whilst I make due allowance for your young age and lack of maturity, the statutory starting point of 12 years already reflects that mitigation to a large extent, as the authorities recognise.
32. Fourth, I accept that you are genuinely remorseful and have been ever since you realised what you had done. You have been unable to come to terms with the enormity of your crime but your remorse is genuine.
33. Fifth, I take into account that you have no previous convictions, although your admitted acts of aggression in the past demonstrate a pattern of behaviour which reduces the mitigation of the lack of a criminal record.

34. Sixth, I take very much into account your unstable and deprived upbringing to which I have already referred, as set out in the report, including exposure to drug and alcohol abuse, criminal behaviour within the family and lack of nurturing and support.
35. Seventh I take into account that there is and has been a positive side to your character when you have received appropriate encouragement and support, particularly in your last year at school where your teacher spoke highly of your progress and commitment, and your work on remand over the months leading up to the trial after you had been granted bail.
36. In fixing your minimum term I note that there are examples in the sentencing authorities from the Court of Appeal of cases similar to this as regards the fatal and previous injuries inflicted on very young children by a parent. One such case is *Attorney-General's Reference (No 11 of 2014)* [2014] EWCA Crim 843 where an 11 month old child was murdered by his mother, with similar fatal injuries and similar previous injuries. That case did not, however, exhibit the particularly horrific features of your case.
37. Balancing all the relevant matters, I am satisfied that in your case the aggravating factors substantially outweigh the mitigating factors. I am satisfied that the appropriate minimum term in your case is 15 years. Against that there will be credit for the period of 186 days you spent in custody following your initial remand or were on bail with a qualifying curfew.
38. Stand up, please. Douulton Phillips for the murder of your son Reggie I sentence you to detention at Her Majesty's Pleasure. You will serve a minimum term of 15 years in custody less 186 days already spent on remand. When you have served that period it will be for the Parole Board to decide if and when it is safe to release you. You will remain on licence for the rest of your life and be liable to be returned to prison if you breach the conditions of your licence or commit any further offence.
39. I turn to you, Alannah Skinner. You have been convicted by the jury of wilfully neglecting Reggie in the early hours of the morning of 11th February in a manner likely to cause him unnecessary suffering and injury to health. The jury found that you had wilfully neglected him in two distinct ways, reflected in the two separate counts on

which you were convicted. In count 2 you neglected Reggie by failing to protect him from his father. In count 3 you neglected him by failing to summon medical assistance for Reggie much sooner. In each case the jury were sure not only that you had neglected Reggie but sure you had done so wilfully. In count 2 the jury were sure that you either deliberately failed to protect Reggie knowing he needed to be protected from Doulton Phillips, or did not care whether or not he needed to be protected from him. In count 3 the jury were sure that in neglecting Reggie you knew he needed medical assistance but deliberately failed to summon it much sooner, or that you did not care whether or not medical assistance was needed.

40. Although you have been convicted of two separate offences they were split in that way solely to ensure that the jury could consider and return a verdict on each allegation separately. You will not receive consecutive sentences but your total sentence must reflect the overall criminality of both aspects of your wilful neglect.
41. I have the advantage of a pre-sentence report, and a medical report dated 1st November 2018 from Dr Paul Courtney, consultant psychiatrist. I also have a report from the Hampshire liaison diversion service dated 3rd December 2018. The latter two reports were directed principally at your fitness to give evidence and the steps to be taken to enable you to give evidence to best effect. However, they confirm what was so obvious from your police interviews and from your evidence to the jury, namely the overwhelming remorse and grief you feel at the death of your baby.
42. As the prosecution always made clear there was no suggestion that you were a bad mother to Reggie before the early hours of 11th February. All the evidence is that you were a loving and caring mother. However, on the night of Saturday 10th February, for reasons best known to yourself you did not put Reggie first. It is understandable that you should want to meet with friends for a social drink but that had to be done responsibly. You knew what Doulton Phillips could be like when he drank spirits and became jealous. It was, as the prosecution put it, a toxic mix.
43. I accept that to your knowledge Doulton Phillips had never been violent towards Reggie previously, and even when all the other guests left at about 2.30 a.m. you had no reason to think that Reggie was at risk of injury from his father. But as you accepted in your

police interviews and in your evidence, you had told Doulton Phillips that it was all right for him to have a drink that night because you were going to remain sober and would look after Reggie. It was essential that one of you at least remained fully sober and able to attend to his needs. It is therefore a matter of concern that in text messages you exchanged with the young girl, aged only 13, whom you invited to the party and who was present at the flat throughout the early hours, you said that you wanted to “get on it” that night. You were planning all along to have more than a social drink yourself. When pressed by the police in interview you estimated that when you were at the party downstairs at Abbie Wheavil’s that night your state of intoxication was at 5 on a scale of 1-10. You said that by the time Reggie sustained his head injury you were at 4 on that scale. The young girl with you in the flat, aged 13, had been drinking vodka and beer with your encouragement. I can only conclude that your appreciation of events that night as the situation developed was to a degree affected by your consumption of alcohol, which is itself an aggravating factor.

44. By far the more serious of the two counts on which you have been convicted is count 2, failing to protect Reggie from his father in the vital period between 2.30 and 4.30 a.m. I am driven to conclude on the evidence that the biting injury to Reggie’s nose must have been caused comparatively early on in that period because it was the only injury which bled and there were at least two and probably three changes of babygrow. It defies belief that any mother, seeing that dreadful injury to her baby’s nose, would let the baby anywhere near the perpetrator even if he was the father and had never previously shown any hostility or aggression to the child. I do not accept that when you saw the injury the blood had already dried up, nor do I accept that you knew nothing of and played no part in the cleaning of the blood and the changing of Reggie’s babygrow as each garment in turn became bloodstained. All this was taking place in a very small bed sitting room. It is inconceivable that you, as Reggie’s mother and primary carer, would not have seen and taken part in cleaning up the blood and changing him. You told the police in interview that if you had seen him bleeding from that injury to the nose you would have summoned medical assistance straightaway. Any responsible sober mother would have done, however inexperienced.
45. Instead, on your account to the jury, you allowed Doulton Phillips to take and hold Reggie again. Your evidence was that whilst he was holding Reggie on his lap on the

sofa, only 2 or 3 metres away, you were sitting on the bed taking no notice of what was happening, and it was only when you heard a thud that you looked across and saw Doulton Phillips scooping up Reggie from the floor. I do not for a moment accept that account. It was also totally at odds with the account of the 13 year old girl. She said the two of you were outside on the balcony having a cigarette when there was a thud which caused you both to go back inside the flat, and Reggie was being scooped up by his father. It is impossible to be sure what truly happened in the flat in those two hours. However much you actually saw or heard of the fatal injuries being inflicted, you wilfully neglected Reggie by failing to protect him when you knew his father had already injured him grievously.

46. The prosecution case on count 3 was always that your wilful neglect in failing to summon assistance for Reggie much sooner covered the period of 45 minutes or so between the first departure of Doulton Phillips from the flat at 3.40 a.m., after the toast incident, and the first call you made to Abbie Wheavil at around 4.30 a.m. The expert medical evidence shows that because Reggie had suffered such serious and irreversible brain damage in the fatal assault, his life could not have been saved even if the 999 call had been made sooner. You were not to know that. I am quite sure that the reason you did not summon help sooner was your fear that you would lose Reggie and that you would lose Doulton Phillips. You said almost as much in your interviews with the police. You realised you should not have been drinking or partying in this way, when you had not been putting Reggie's interests first. At that stage at least you did not want to lose Doulton Phillips either.
47. I have no doubt that you were in state of utter shock at the hospital but you went along with false story of Reggie falling off the sofa or being dropped accidentally by Doulton Phillips. You must have known that was not the truth. The sheer horror of the night's events may well have induced traumatic amnesia with the mind shutting out unbearable memories.
48. In assessing your culpability I have regard to the Sentencing Guidelines Council's definitive guideline which, technically, is still the governing guideline although it is superseded as from 1st January 2019 by the new Sentencing Council definitive guideline on Child Cruelty. Had I been sentencing you on the next court working day after today,

in the New Year, that guideline would apply. Your counsel rightly accepts that it would be unrealistic for me to ignore the new guideline in these circumstances. In any event, there is no conflict between the two guidelines. The new guideline merely provides a more refined and focused approach. Under the old guideline count 2 would fall within the second level of seriousness, failure to protect a child from a series of assaults. The starting point is 3 years and the range 2-5 years custody. Under the new guideline it is common ground that count 2 falls within category 1B, medium culpability and the most serious harm. There is medium culpability where the offender takes only limited steps to protect the victim in a case like this where there has been the use of very significant force. The starting point is three years and the range 2-6 years.

49. Count 3, taken in isolation, would fall into the next lower category in either guideline but for the reasons I have already explained a consecutive sentence is not appropriate. I propose instead to treat the neglect in count 3 as an aggravating factor of the more serious neglect in count 2. Your counsel did not dissent from this approach. The starting point, therefore is 3 years custody.
50. I have to consider the aggravating and mitigating factors. The first aggravating factor is the failure to seek medical help because that has not been taken into account in the starting point of three years. The second is that this offence of wilful neglect was committed at least to an extent under the influence of alcohol. That is a significant part of the explanation for your lack of judgment in allowing Doulton Phillips anywhere near Reggie once you had seen what he was capable of in inflicting the injury to his nose. Third, you deliberately covered up the offence in the sense that you never disclosed to the doctors or the police the full circumstances of your involvement in and knowledge of the cleaning up operation, and the multiple changes of babygrow. Your culpability, within the range, is all the more serious because the consequence of your wilful failure to protect Reggie was his death at his father's hands.
51. Turning to the mitigating factors: first, you have no previous convictions and an unblemished character. Second and most powerful is your remorse. Third, I take into account that although you are now 19½ years old, and although you are an intelligent young woman, you lack maturity. This is exemplified by the very fact that in Doulton

Phillips you chose a partner two years younger than yourself, and on the night in question you were associating with a 13 year old girl, proud to show Reggie off to her.

52. I bear in mind everything your counsel has so eloquently said on your behalf, and the moving and tender letter from your 15 year old sister.
53. The aggravating factors in your case require a significant increase from the starting point of 3 years. But the mitigating factors in my judgment just outweigh them. An immediate custodial sentence is nevertheless quite inevitable in view of your conviction on count 2, and in view of the very serious nature of your neglect and its consequences. In a case of this seriousness, appropriate punishment can only be achieved by immediate custody. Even if the custodial sentence had been of a length where suspension was lawfully possible, it would not have been appropriate.
54. In sentencing you I am acutely conscious that no punishment the court can impose is greater than the punishment you have suffered by the loss of your precious baby whom you dearly loved. But the least sentence I can impose, consistent with the court's public duty, is one of 30 months' detention in a young offender institution. That is the sentence on count 2. On count 3 there will be a concurrent sentence of 12 months detention.
55. Stand up please. Alannah Skinner, for the wilful neglect of your son Reggie I sentence you to a total 30 months' detention in a young offender institution. Under current arrangements you will serve one half of that sentence in custody. On your release you will be on licence for the remainder of the sentence and liable to be returned to custody if you breach the terms of the licence or commit any further offence.