

**THE KING -v- (1) KYLE BEVAN and (2) SINEAD LOUISE JAMES
SENTENCING REMARKS OF THE HON. MR JUSTICE GRIFFITHS
SWANSEA CROWN COURT
25 APRIL 2023**

The Defendants may sit, until I tell them to stand.

Lola James was described by her grandmother as a character, who “loved life”.

Her father said she was “always smiling and happy, a little ray of sunshine”, with a laugh which would “fill the room with pure joy.”

Her photograph reminds us of a beautiful little girl.

But you, Kyle Bevan, murdered her when she was only two years old and you, Sinead James, allowed her death.

Her death has shattered a family, including the childhood of her surviving sisters.

No-one who listened to the Victim Personal Statements in court today could fail to be profoundly moved by them.

In 2020, Sinead James lived as a single mother in Haverfordwest with her three daughters: a baby born in May 2019, Lola born in September 2017, and her older sister born in March 2014.

Kyle Bevan was not the father of any of these children but very soon after he met Sinead James in February 2020 he was sleeping in her house every night and when lockdown started in March 2020 it was his home.

I am sure from the evidence at trial that Kyle was responsible for multiple assaults on the children, before he murdered Lola. Whilst the evidence of some in isolation would have been inconclusive, taken together, it is compelling.

- A 2 am text on 19 April 2020 shows that one of the girls had “smashed her face”, which Kyle blamed on the stairs.

- On 26 April 2020, Sinead James noticed a mark under Lola's mouth. Kyle blamed it on her falling down.
- A text at 1.35 am on 4 May shows that Lola was screaming when Kyle was with her. The next day, he told Sinead James that Lola "dropped to the floor" and "bit her lip". The text record shows that Sinead saw Lola spitting at Kyle and making what he described as "a horrible noise" at him. I have no doubt that this was because Lola was protesting, as a child who could not yet speak, the abuse she had suffered.
- On 10 May 2020, the baby was photographed by a neighbour with a black eye. Sinead told her that the baby had an accident when Kyle was looking after her.
- On 14 May 2020, Kyle was described as having smashed up the house when he had taken a Xanax for recreational purposes. He took a hammer to the light switch. Sinead James was sufficiently concerned to take the children to a neighbour overnight, but she brought them back the next day.
- A few days later, Sinead James's cousin pointed out the dirty and messy state of the house and warned her social services might get involved. Kyle was angry and aggressive about that suggestion.
- On 8 June 2020, Sinead James lied to her health visitor on the telephone that she had a female person sleeping in her house, covering up that it was actually Kyle Bevan.
- On 11 June 2020, Sinead texted "I'm done" and "I'm finished with Kyle". He had grabbed her arm during an argument. She texted: "I'm not putting up with it. I have the kids to think about". But she let it pass, and he carried on living in the house, with the children, and was often left in sole charge of them.
- On 5 July 2020, Sinead and Kyle argued and she told him to get out. She texted him "What you are doing is a form of domestic violence. I know. I've been through it." He refused to leave the house, and she took it no further.
- On 7 July 2020, Kyle Bevan pushed the pram into a busy road with the baby in it, shouting "fuck it". Sinead James had to dive in and rescue the baby from the oncoming traffic. She took no other action.
- On 9 July 2020, the grandmother of Kyle's own daughter messaged Sinead James that he had been abusive to his ex partner, and their daughter, and expressed concern that

he was around Sinead James's children. Sinead asked Kyle's mother about it, who said it was not true. She made no other enquiry and took no steps to withdraw or protect her children from Kyle.

- On the same day, Lola suffered a nose injury and Sinead wondered if it was broken. Kyle told her Lola had fallen accidentally onto a coffee table. He blamed the dog. At the same time, two witnesses noticed marks on either side of Lola's neck which suggested she had been grabbed or pinned. The witness Elifair Morgan had a look and told Sinead and Kyle she should be taken to the doctor, but Sinead lied and said that had already been done. In fact, all that had happened (according to her evidence at trial) was that she had been told by Kyle that his mother was a nurse (which was not true, although she was a health care assistant) and that she had looked at Lola's injured nose in a video call. Lola was not taken to a hospital, or to a doctor, or examined in person by a nurse or any qualified person. Her nose was left to heal in its own way.
- The very next day, on 10 July, when Kyle was alone with the baby, Sinead texted him: "You don't need to tell me what you're doing with them. I do trust you with them."
- On 11 July, texts show there was some sort of incident when Lola was in Kyle's care, but Sinead texted him "Don't feel bad."
- I am sure that, by the time of the murder, Sinead knew that Kyle was not to be trusted. On 16 July, the day before Lola was beaten into a coma, she asked him for his date of birth so she could do a "Claire's Law" or Domestic Violence Disclosure Scheme check on him. He refused to give it to her. She realised that was suspicious, but she did not press it.
- That night, the night of 16-17 July, Sinead James was woken at midnight by a bang, followed by Lola screaming. She got up and saw Kyle Bevan holding Lola by her bed, but when he said: "I've got this", she just went away. She did not go into Lola's bedroom or have a proper look at what had happened. She went back to her own bed and left Lola alone with Kyle while she slept. During that night, he carried out the further attacks on Lola which killed her.

By 4.26 am Kyle had Lola downstairs, and was photographing injuries he had inflicted on her

back.

By 6.30 am he had inflicted a total of over 100 visible injuries all over her body.

Some of them were caused by a weapon, although the weapon used was not recovered or identified.

They included injuries to Lola's right thigh

with circular elements in a linear pattern caused by a weapon,

and bleeding puncture wounds to her forehead, also caused by a weapon.

Kyle Bevan hit the side of Lola's head, with such force that it caused ear bruising and sub-dural bleeding in her skull on that side. He shook her head backwards and forwards so violently that she lost consciousness. She died from brain damage.

Dr Michelle Jardine is a consultant in paediatric intensive care who has worked in Wales for 12 years and, before that, at Great Ormond Street and at the Royal Brompton Hospital.

She saw Lola's body in intensive care

and gave evidence that it was one of the most extensively bruised and battered bodies she had ever seen.

At 6.30 am, Kyle Bevan searched on Google:

“My 2 year old has just taken a bang to the head and gone all limp and snoring.
What's wrong.”

The results told him to get emergency help at once.

Had he done that, Lola would have had a better chance of survival. But he didn't.

He didn't get emergency help. He didn't wake Lola's mother.

Instead, he tried to cover his tracks.

He cleaned up Lola's vomit and blood in the bath. He cleaned the bath. He cleaned the floors.

He scrubbed the body itself all over; so strongly, despite the child already being injured and unconscious, that temporary transfer tattoos on her arms were removed without trace.

He put clean clothing on her.

He dreamt up a cover story that all Lola's injuries were attributable to a fall down the stairs after a push from the dog.

He moved Lola's body around, callously photographing it and even filming it at one stage.

Half an hour after the Google search, his mother woke up and saw texts he had been sending her.

She immediately texted back that he must wake Sinead James up and get Lola to A&E.

It was 6.56 am.

Even then, he did not wake up Lola's mother or call emergency services.

He was too concerned about covering up the crime scene to do anything at all for the child.

It was only half an hour after that, at about 7.27 am, that he finally woke Sinead James, and, not having called an ambulance himself, told his mother to do it.

Ambulances were then called by his mother and by Sinead James and were on the scene immediately.

When the police came, later in the morning, at about 11 am, he delayed opening the front door.

When they did get in, he was still vacuum cleaning away as much forensic evidence as he could.

There is only one sentence for murder, and that is imprisonment for life.

I must also set the minimum term that Kyle Bevan must serve before he can even be considered for release on licence by the Parole Board. It is possible he will never be released, as that will happen only if and when the Parole Board is satisfied that detention is no longer necessary for the protection of the public. That is why it is called a **minimum** term. Even if he is released, he will remain on licence and subject to recall to prison for the rest of his life. **The minimum term is not his sentence. His sentence is life imprisonment.**

Paying due regard to Schedule 21 of the Sentencing Act, and reflecting the particular circumstances of the case, I am adopting 15 years as the starting point for consideration of the minimum term. But there are aggravating features which must very significantly increase it.

Lola was a very young child; 2 years and 10 months old.

She was particularly vulnerable, not being strong enough to resist, or old enough to tell anyone what was happening.

Kyle Bevan was in a position of trust, having assumed the role, as he described himself to the ambulance crew, of Lola's step-father.

He started to hurt Lola at midnight, and he carried on until she was unconscious at 6.30 am. He did not stop when Sinead James nearly caught him in the act when she heard Lola scream at midnight.

This was a sustained, deliberate and very violent attack.

The attack was completely unprovoked. There is no suggestion that Lola was playing up in any way before she was killed.

For some of the injuries, Kyle Bevan used weapons.

The attack would have caused both mental and physical pain and suffering before the onset of coma.

It was the culmination of several months of physical child abuse.

Although I have decided that this is not a case within paragraph 2(2)(b) of Schedule 21, I am sure that Kyle Bevan did this as an exercise of power: an assertion of superiority over the only person he could feel superior to - a helpless child.

Afterwards, he covered up what he had done by removing or replacing the weapons, and cleaning up the body and the crime scene before getting help.

He ignored advice from his mother about getting immediate help.

As soon as the police were involved, he tried to rehearse his partner in a false account which he had concocted, stressing to her “you got to get it bang on, like”.

He has no remorse at all, even now.

At the time, he did not even simulate sadness about Lola’s injuries and critical condition when everyone around him was distraught.

At the hospital, he threatened and insulted the staff.

He hurled abuse at the victim’s natural father and challenged him to a fight for no reason at all, as Lola lay dying in critical care.

He was openly concerned only about himself.

The serious and numerous aggravating features raise the appropriate minimum term far above the starting point of 15 years.

I now turn to mitigating or potentially mitigating factors. There is very little.

Kyle Bevan did not specifically intend to kill, but he was completely reckless of the danger to Lola’s life. The violence he inflicted all over her body including the severe and fatal attacks on her head, both by way of blunt force and violent shaking, were a threat to the life of such a young child which must have been obvious to him.

He has been described by his own mother as “thick”, and was diagnosed with ADHD as a child.

I am satisfied that these points do not reduce Kyle Bevan’s culpability.

He was 28 years old, and perhaps immature. But he knew exactly what he was doing.

He had no previous convictions for violence, but he had been causing visible injuries to the children on the sly for a number of months. This murder was the worst thing he had done, but it was not out of character.

This is a very serious case in which the balance of features I have identified moves the appropriate minimum term a long way up from the 15-year starting point.

I now turn to Sinead James' conviction for allowing the death of a child.

Her relationship with Lola's biological father had been brief, and he was a loving and attentive parent to Lola from a distance.

However, she came into the relationship with Kyle Bevan as a victim of past domestic abuse from other partners.

As a result, she had been trained through domestic abuse programmes to protect herself and her children but she allowed Kyle Bevan into her household on the basis of a superficial initial impression. As evidence against him began to mount, she continued to hope for the best and leave her children at risk

She was surrounded by supportive friends and family.

She was connected with social services.

She always had places of refuge.

But she shut her eyes to the very obvious danger which Kyle Bevan posed to her children, even after she saw him deliberately push the pram into oncoming traffic.

She decided to accept and manage the risk to herself and, more importantly, her helpless children, because he was not as bad as her previous abusers and she liked having him there.

She prioritised the relationship with Kyle Bevan over concern for her children.

This was never more evident than when she went back to bed after the scream and the bang

which she heard from Lola's bedroom, when Lola was with Kyle, only hours before Lola was murdered.

I will apply the Sentencing Guideline for Allowing a Child to Die.

The harm is death, and therefore category 1.

Culpability includes failing to protect Lola from a murder which involved the use of very significant force.

All four quadrants of both Lola's eyes were bleeding at multiple levels. There was a retinal fold, and retinal splitting. There was optic nerve sheath bleeding to both eyes. These are all signs of very severe force. Lola had widespread petechiae. She had sub dural bleeding mainly over the left cerebral hemisphere but also at the back of the right cerebral hemisphere and also at the base of her brain. This was due both to very forceful shaking and significant impact injury to the left, which also caused bruising to her left ear. Further evidence of impact was the soft tissue scalp swelling at several sites over Lola's skull.

The chronology shows that Sinead James was made aware of multiple injuries to her children, leaving visible marks, and also a threat to the life of the baby in her pram which Sinead knew was Kyle Bevan's fault. She knew he had taken a hammer to the light switch, was subject to mood swings, and was prone to take recreational drugs which had a bad effect on him, specifically, Xanax in combination with alcohol.

She showed herself willing and able to remove her children to a place of safety, and to demand that Kyle Bevan should leave the house, but she always brought the children back and kept leaving them in his sole care. When her children were injured she did not take them to a doctor or to hospital and she did not involve the police when Kyle was violent. She did not disclose the presence of Kyle or the injuries to her children to social services,

although they were in active contact with her.

So she failed to take any effective steps to protect Lola, including those which she had proved she was capable of.

These are features of High Culpability, in Category B.

There are no Category D factors.

Sinead James was on anti depressant medication but it was working well for her.

Her responsibility was not reduced - substantially or at all - by mental disorder, learning disability or lack of maturity.

Although she had been a victim of domestic abuse, this was not in my judgment linked to the commission of the offence. She was able to assert herself against Kyle Bevan, and did so. She was neither coerced nor intimidated into allowing Kyle to carry on living in her house. She was happy to leave him alone with the children whenever he wanted, and for however long he wanted. That was her choice.

Having heard all the evidence, including her own evidence at trial, and her police interviews, I do not think that this is a case in which Sinead James allowed the death of her child because she was in fear of Kyle Bevan, or a victim of domestic abuse by him. That was not even her own evidence at trial.

I do not accept the defence submission that domestic abuse is linked to the commission of the offence so as to provide her with a Category D feature.

I do accept that when he was in a bad mood Kyle Bevan was intimidating, but those moods passed, and most of the time the text messages and the evidence at trial show a relationship in which Sinead James was in control, and able, whenever she chose, to remove herself and her children from Kyle Bevan, and to berate him when she thought he deserved it.

The only thing that she did hesitate to do because of his reaction was to contact the police or the social services.

She always had full recourse to her friends, her neighbours and her family, and that was enough to protect the children if she had chosen to do it.

She did not. For example, she insisted, against the advice of Casey Morgan, on bringing the children back into the home after the pram incident, when they were already with her in safety. It was no part of her evidence that she did this because she was in fear of Kyle Bevan.

Having considered all the category indicators in the Sentencing Guideline, and, after a careful balancing exercise,

I am satisfied that this case falls into Category B1, with a starting point of 9 years custody in a range of 7 to 14 years.

However, I notice that the applicable Sentencing Guideline sets ranges up to 18 years in Category A1, which is above the statutory maximum of 14 years for this case in which the offence was committed before 28 June 2022, since when the maximum has been life imprisonment. I will bear that in mind in Sinead James' favour when arriving at a sentence in accordance with the Guideline.

A potentially aggravating factor is her failure to respond to warnings about Kyle and his behaviour. She was warned by her best friend Casey Morgan and by the grandmother of Kyle Bevan's own child.

But I recognise that Casey Morgan also at times seemed to support the relationship with Kyle, and that his mother emphatically assured her that the allegations against her son were lies.

There are weighty mitigating factors.

She is very remorseful, as I saw when she gave evidence.

She is also genuinely devastated by Lola's death.

She has lost custody of her surviving children although she remains in contact with them.

After Lola's death, Sinead James cooperated as fully as she possibly could with the investigation.

She has no previous convictions and nothing else which is relevant on her record.

She is a victim of previous domestic abuse, and Kyle Bevan did create an atmosphere of intimidation in the home at times, which I accept as a mitigating feature even though I have decided it does not go so far as to be a Category D Guideline feature.

Taking everything into account, the sentence will be below the starting point and a little below the bottom of the Category B1 Guideline range.

Kyle Bevan has already spent 368 days in custody on remand. Sinead James has spent 19 days. The days spent on remand in custody will automatically count towards the custodial term of her sentence and I will deduct them from the minimum term for his.

Sinead James will serve one half of her sentence in custody before being released on licence. When she is released, she will be on licence until the end of her sentence. She must comply with the terms of the licence and commit no further offence or else she will be liable to serve a further period in custody.

Each defendant must pay the statutory surcharge of £190 or such other correct figure as may be substituted administratively.

STAND UP KYLE BEVAN:

For the murder of Lola James, I sentence you to imprisonment for life with a minimum term of 28 years, less 368 days already spent in custody on remand.

You may go down.

STAND UP SINEAD JAMES:

For allowing the death of Lola James, I sentence you to 6 years imprisonment. You will serve half, namely 3 years, before release on licence.

You may go down.