

Sentencing note: R v Daymond & Carr

Maya Chappell:

This case concerns the death of Maya Chappell. Maya was murdered on 30 September 2022. This followed her mistreatment over a period of about 5 weeks, during the period leading up to her murder. She was just 2 ½ years old.

During the trial, the jurors and I saw many photos of Maya during her short life, and several video clips. Some showed her sad, as described in the victim personal statement we have just heard. But that is not how I will remember her. We mostly saw her happy, smiling, playing, dancing, obviously eager to love those around her and be loved by them.

In other words, an ordinary little girl. But like every child of that age, she was also extraordinary – unique and wonderful; and, above all, irreplaceable.

I have heard a very moving victim personal statement from Kayleigh Crone, Maya's great-aunt on her father's side. But I know that Maya's death has caused the same sadness to everyone in the family, on all sides.

Nothing that I say or do today can bring any comfort or consolation to the family members who loved her, and who continue to love her. But I want you all to hear, from me, how much we all care – the police who investigated the case with such dedication, the lawyers, on all sides of the court, who have worked to ensure that justice was done, and the jury, many of whom I know were moved to tears during the trial. Maya affected all of us. She will never be forgotten.

Defendants to be sentenced:

For this I have to sentence you, Michael Daymond, and you, Dana Carr.

Michael Daymond, you are 27 and were 26 at the time. Dana Carr, you are 24 and were 23 at the time.

You were convicted by the jury as follows:

Michael Daymond, you were convicted of murder, for which the sentence is life; and of causing cruelty to a child by assault, contrary to s. 1(1) of the Children and Young Persons Act 1933, for which the maximum sentence is 14 years.

Dana Carr, you were convicted of causing cruelty to a child, by neglect; and of allowing the death of a child contrary to s. 5 of the Domestic Violence, Crime and Victims Act 2004, for which the maximum sentence is life.

Neither of you has any previous convictions.

In both your cases, I have to and do have bear in mind the effect of my sentence on others – particular, on your respective children.

Note of facts:

Maya was born in March 2020. You, Dana Carr were her mother. Her father was James Chappell. The relationship was unhappy and ended shortly after Maya's birth.

In the summer of 2022, the two of you began a relationship. It was to be a short relationship but an intense one. You became mutually dependent very quickly. Towards the end of August 2022, you moved in together at an address in Milton Crescent, Shotton Colliery – the two of you, and Maya.

Dana Carr, you had a job and went off to work most days. Michael Daymond, you would stay at home with responsibility for looking after Maya while Dana was out of the house.

It did not take long before Maya began to sustain bruises, which were noticed by other people.

On 26 August, Maya went to her father's house for a few days. He and his girlfriend and various members of his family noticed bruising on her cheek, around her jaw and inside her left ear. They were concerned. You both maintained this was the result of Maya having fallen from a slide in the park that day, but the bruising inside Maya's ear cannot have been caused in that way, and the bruising around her jaw looked very much like marks left by fingers, as if someone had gripped her forcibly.

On 5 September, you, Michael Daymond, contacted Dana Carr while she was at work and told her you had had to grab Maya to stop her from choking. On the next day, marks started to come out on Maya's face – a cut to her nose and burst lip.

On 9 September, Maya went to stay with Christopher Fellows, Dana Carr's stepfather. You, Dana Carr, were very close to Mr Fellows and he seems also to have got on well with you, Michael Daymond. He noticed bruising on her torso and was concerned. He sent you, Dana Carr, a photo he had taken of Maya standing naked in the bath, commenting "she has got bruises all over her". He advised you to speak to a GP or health visitor, so that you would not get blamed.

When he asked on this occasion and on other occasions, you told him, and would go on to tell other people, that these bruises were inflicted by Maya herself – that she often bumped into things or banged her head against the wall or the radiator in her bedroom, and that she nipped herself – pinched herself

hard with her fingers. At one point, you attempted to pin the blame on Maya's maternal grandmother – with no justification whatsoever.

On 13 and 14 September Maya attended a nursery close to the new home, for settling in sessions. The staff said she enjoyed the sessions. However, she never went again. The nursery received repeated messages from you, Dana Carr, saying that she was unwell. It seems clear that you did not want her to attend the nursery because the staff would have noticed Maya's bruises and would have done something.

At about this time, Maya developed a particularly unpleasant-looking, large and very pronounced bruise on her pubic mound. This was something that was bound to look suspicious to most people, and the expert evidence was that it could not have occurred accidentally or have been caused by Maya nipping herself: it was the result either of forceful contact (e.g., a kick) or being pushed onto a hard surface such as the edge of a table. It must have hurt and the person who caused it must have known this.

On 15 September you told James Chappell that Maya was too unwell to stay with him, as had previously been arranged.

Despite her father having been told that Maya was unwell, she was not too unwell to be allowed to stay with Christopher Fellows: I am sure because you trusted him and thought he was on your side. Mr Fellows took Maya to see his sister, an experienced nurse. She was concerned at various bruises that were visible even though Maya was fully clothed. She pointed them out to Mr Fellows and told him to take photos of Maya. Mr Fellows did so, including taking photos of the particularly disturbing bruising on Maya's pubic mound. Mr Fellow's sister, Ms Shorten, also got her brother to phone you, Dana Carr. You told Mr Fellows that it was the result of Maya nipping herself. Ms Shorten could hear you in the background, Michael Daymond, shouting "it wasn't me, it wasn't me".

By the following weekend, the bruising had faded to the point where (as you, Michael Daymond, told the police in interview), you thought it was no longer visible. Maya was allowed to stay with her father again, James Chappell. He and his mother both noticed bruising on Maya's pubic mound (although their descriptions suggest that this bruising was very much on the way out by then), as well as 3-4 bruises down Maya's chest, like finger-marks.

On 27 September, while you, Dana Carr, were at work, you, Michael Daymond, contacted her and told her that Maya had another bruise coming through on her face, which you said was caused by her falling from your bed and banging her face on a bedside cabinet.

On 28 September, you, Dana Carr, went off to work again, leaving Maya with Michael.

Michael Daymond, you had a very bad day.

First, you received numerous messages from someone to whom you owed a drug debt. I should say that your drug debts had been a running problem for some months, and were partly behind your move to Shotton Colliery. You were now being chased very aggressively for payment. You told the person chasing you that you were due to be paid shortly.

Second, your phone records show that you made repeated contact with the Benefits agency. They told you that your universal credit had been cut off. This culminated with a 16-minute call to the benefit agency just before 2 pm. You then rang your mother at 2:16 and told her that your universal credit had been cut off.

Before this, at about 10:30, your stepfather, Karl Gallagher, paid a visit. He was not struck by any visible bruises, but he noticed that Maya was behaving oddly and commented that she seemed scared of you. He even considered taking her away with him, before he left at about 11:15.

At about 11:40, you, Michael Daymond, took a video on your phone of Maya, clearly upset, trying to back away into a small box-shaped opening in a cabinet in the living room, as if trying to take refuge in a space that would be inaccessible to an adult.

During the afternoon, your phone shows more visits to the benefits agency website and attempts to call them. Then, at 3:31 pm, you received a further aggressive message about the drug debt.

No more than 5 minutes later, you made a call to Dana, telling her that Maya had collapsed and that she should come home. Then you called 999.

The call handler despatched help, as well as talking you through giving Maya CPR.

Despite the best efforts of the medical staff and police who attended very rapidly, and then the efforts of the staff in hospital, Maya did not regain consciousness and died.

She was found to have suffered severe, unsurvivable brain trauma. The unanimous opinion evidence of 5 expert witnesses was that this was caused by Maya having been violently shaken. They described the force required as “severe” and “extreme”.

However, Maya was also found to have severe and extensive internal haemorrhaging to the small intestine, large intestine and mesentery, probably the result of a blow or kick. There was also a further large, livid bruise over her pubic mound – in a similar location to the earlier bruising sustained there on about 15 September.

Further, Maya's body was covered in innumerable smaller but still noticeable bruises. There were multiple bruises to Maya's face and body, consistent with direct slaps or blows, and bruising around the chin/jaw, which were consistent with gripping marks.

With the exception of the bruise to Maya's left cheek, which had occurred on the previous day, these bruises had not been seen before. The vast majority must have been inflicted on 28 September, after Dana Carr left for work.

Michael Daymond:

Michael Daymond, as you must know, the sentence for murder is life.

I have to set a minimum term, guided by Schedule 21 to the Sentencing Act 2020.

I also have to sentence you for the offence of child cruelty. However, the right course must be to take that offence into account when considering the minimum sentence for murder, not least because it provides the context. I must of course be careful not to double count.

The Prosecution have never suggested that you intended to kill Maya. The jury were told they could convict you of murder if they were sure that you intended to inflict GBH and I am sure that this was their view, as regards your intent.

It is clear that this was not planned or premeditated. It is not a case that involved abduction or any sexual motive. Despite the cruelty with which Maya was treated, over a period of some weeks, I do not consider that you were motivated by sadism.

Under Schedule 21 to the Sentencing Act, the starting point in determining the minimum term is 15 years.

As I have said, I approach this on the basis that you did not intend to kill Maya. This is a point of mitigation in your favour.

I take into account that you have no previous convictions and your age at the time.

I also note that you did your best to administer CPR, before the emergency services arrived.

I have read your pre-sentence report, as I said I would. I note that you still deny being responsible for Maya's death and insist that you are passive and rarely lose your temper.

I have seen what the report says about your background and upbringing. You seem to have had a generally happy childhood, despite the fact that your parents separated. You remain close to your mother and your stepfather.

This was the murder of a very young child. She was particularly vulnerable because of her age. She had been left in your care, on the basis that you could be trusted to look after her – a trust that you abused, in her home. These are all serious aggravating features.

What concerns me most is that this was not a single episode of uncharacteristic behaviour. It is now apparent that, since moving in with Dana Carr, you had

been hurting Maya regularly. The injuries inflicted were not as severe before 28 September, but there is a degree of nastiness about this persistent conduct, and especially about what must have been the deliberate targeting of Maya's pubic mound. Furthermore, the fact that you knew Maya had to be kept away from the scrutiny of her father and of the staff at the nursery indicates that you were aware of the seriousness of what you were doing.

There was clearly a significant change in what you did to Maya on 28 September. Your other worries must have played a significant part, but this was not an isolated flash of temper. On that day, you had frightened Maya before your stepfather arrived so as to make her scared of you. You continued to frighten her after he left, so that she tried to climb into the cabinet. The litany of bruises she sustained on 28 September, and the particularly severe internal haemorrhaging within her abdomen and the fresh bruise to her pubic mound, indicate particular cruelty over several hours. This was physical and mental suffering over a sustained period that day, on top of the weeks of occasional cruelty that had preceded it.

You must pay the statutory surcharge.

You will be given credit for time spent on remand in custody, which I am told is 440 days.

Michael Daymond, stand up.

For the murder of Maya Chappell, I sentence you to life, with a minimum term of 20 years, less the 440 days on remand. For the offence of child cruelty, I impose a concurrent sentence of 6 years.

You can now be taken down.

Dana Carr:

Dana Carr, I must begin by making two things clear.

First, you yourself never hit Maya or hurt her or harmed her in any way. All her injuries were Michael Daymond's doing.

Second, I have no doubt whatsoever that you loved your daughter Maya and that you still love her. You are distraught that she has died. I know that no punishment this court imposes can come close to the effect of your grief.

Nevertheless, I have to sentence you.

You have been convicted both of causing cruelty to a child, by neglect; and of allowing the death of a child. These offences overlap. I will give you only one effective sentence, on the more serious offence which is allowing the death of a child. I will not increase the sentence for totality, because the commission of the two offences essentially consisted of the same acts.

However, there is one significant consequence of your conviction on the other offence – causing cruelty by neglect. One of its elements is wilfulness. I told the jury only to convict you of that offence if they were sure that you either (i) knew that Michael Daymond was assaulting Maya or (ii) were reckless, in other words you did not care: so you shut your eyes to the fact that Michael Daymond was assaulting Maya. The fact that they convicted you means that they were sure of this.

They had ample evidence to support that conclusion. There were numerous messages on your phone that could only have been sent by someone who knew that Michael Daymond was hurting Maya. You maintained to the police and in your evidence at trial that you had not sent these messages and that Michael Daymond somehow had control over your phone or was mirroring it on his own phone. The Prosecution called expert evidence demonstrating that this could not be the case, and in any case it would in any case have been impossible for Michael Daymond to be responsible for many of the messages.

Furthermore, you have lied prodigiously and without compulsion at every stage.

During the weeks leading up to Maya's death, you lied repeatedly to James Chappell, to your stepfather Christopher Fellows, to Maya's nursery and to your former employer. The lies you told these people were about the state of Maya's health and about the causes of her bruises. They were mostly lies told to conceal the fact that Michael Daymond was responsible for Maya's injuries and to prevent other people from having the opportunity to see the worst of them. These were lies told by someone who knew the extent of Maya's injuries and who had caused them.

In different ways, both the Prosecution and your own counsel said that you were head over heels for Michael Daymond, and that love, or what you thought was love, drove you to behave in this way. That could not excuse what you did, but it might explain it.

However, the scales must have fallen from your eyes when Michael Daymond was arrested and then charged with Maya's death. You were certainly no longer affected by love when you were interviewed by the police and when you were preparing your defence, let alone during the trial. But this did not lead you to stop lying and admit the truth. On the contrary, you persisted in your lies, maintaining that you had known nothing.

If anything, the distance between what you said, and the truth, got wider. You said that you were pregnant by Michael Daymond at the time of Maya's death; but you were so appalled to discover what he had done to Maya that you had a termination. The police diligently contacted the various termination providers that you said, in turn, you might have used, and others, but each time they found no record of any termination. You lied even about this, despite it being almost inevitable that your lies on this incredibly emotive point would be exposed.

I told you after your conviction that I had asked for a pre-sentence report, that I would pay great attention to it when sentencing you and that it was in your best interests to engage fully and honestly with the probation service in its preparation. I did this, amongst other things, because I wanted to know whether the fact of your conviction would enable you to be more honest about what you did.

It is clear from the report that you continue to deny any level of knowledge or awareness of what Michael Daymond was doing, in August and September 2022. As I have explained, this is simply not consistent with a considerable body of evidence, or with the jury's conviction on count 3.

From the report, I have learnt of your unhappy upbringing – both your parents had problems with alcohol when you were young; your father was violent to your mother; he was then convicted of murder. Perhaps because of this, you are emotionally needy and immature, craving love.

Your first long-term relationship was with James Chappell. You have said that he was abusive to you. I do not know whether this is true or not, but it is at least clear that the relationship was unhappy and that you came out of it emotionally vulnerable.

This effectively led you to latch onto Michael Daymond, in an unhealthy way that was bad for you, as well as catastrophic for Maya.

By yourself, you would not have harmed Maya or allowed anyone else to harm her. However, your behaviour in 2022 indicates, and the report confirms, that

your emotional immaturity and selfishness led you to pay attention only to your own desire for a relationship, without any regard to the consequences for Maya.

This was not an isolated failing. After Maya's death, while on bail, within months you entered a relationship with another man, fell pregnant and now have a son. The report states that because of the pending charges on this matter, the child was placed with your mother and your access was carefully limited by the Family court. You did not comply with the limits imposed by the court, with the result that your son had to be taken into care. This is not relevant to the offending for which I have to sentence you, but it has contributed to the conclusion in the report that you have limited internal self-control and are susceptible to forming dependent relationships that could potentially create an environment to harm a child.

My own observation of you and of your evidence is to the same effect. I would add that your complete disregard for the truth is also problematic for anyone charged with managing you: unless and until you can demonstrate that you have changed, I would strongly advise that no-one should place much weight on anything you say.

Given the jury's conviction on count 3, this is a case that involved deliberate disregard for Maya's welfare or at the very least, reckless disregard. Furthermore, you completely failed to take any steps whatsoever to protect Maya. On the contrary, your lies to protect Michael Daymond positively ensured that Maya continued to be exposed to his violence. You knew this, or were at least reckless about it, every time you went off to work and left Maya in his care. This went on for a reasonably prolonged period of time.

On the other hand, the force used by Michael Daymond, before 28 September, while real, was significant but not serious. While the overall period was reasonably long, the duration of each incident was probably short, before that date.

The Prosecution say that this was a case of high culpability for the purposes of the sentencing guideline for count 4. The Defence say that it was medium culpability. It seems to me to be on the cusp of the two.

In terms of harm, your failure to protect Maya led to her death. Harm therefore is level 1.

The category starting point that I take in this case therefore is 7 years 6 months.

Your lies, both at the time and during the trial, were an attempt to conceal what happened. You tried to blame someone else – your own mother. You failed to respond to the intervention of James Chappell and of your stepfather, lying to both of them. These are serious aggravating features.

Your Counsel has suggested and the report from probation says that you are remorseful. I acknowledge your sincere grief about Maya's death and am sure that you now wish that you had acted differently. But I find it difficult to classify this as true remorse, in circumstances where you still do not acknowledge your guilt, and still maintain that you knew nothing and were genuinely deceived by Michael Daymond.

I take account of your age and your previous good character. I also acknowledge that your behaviour is likely to be affected by your own background.

Your offending is so serious that only a custodial sentence can be justified.

Dana Carr, stand up.

On count 4, allowing the death of a child, I sentence you to 9 years in prison. On count 3, cruelty by neglect, I sentence you to 6 years in prison, to be served concurrently with the sentence on count 4.

This sentence is the least that can be imposed having regard to the seriousness of the offences.

The effective period of this sentence is 9 years' imprisonment. You will be given credit for qualifying curfew time while on bail, which I am told comes to 168 days.

You will be released from custody no later than two-thirds of the way through the sentence, namely after 6 years, and the remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

You must pay the statutory surcharge.

The pre-sentence report and addendum, and two psychiatric reports provided to me, should go with you to prison.

Finally, I commend the police for having investigated this case so diligently and so professionally. I am also grateful to all Counsel.