



JUDICIARY OF
ENGLAND AND WALES

R. v JACK BENHAM AND SIAN HEDGES

MAIDSTONE CROWN COURT

SENTENCING REMARKS BY MR JUSTICE CAVANAGH

12 January 2024

1. The Defendants may remain seated until I tell them to stand up.
2. Jack Benham and Sian Hedges, you come before me for sentence having been found guilty, after a trial at this Court, of the murder of Alfie Phillips on the night of 27/28 November 2020. Alfie Phillips was your son, Sian Hedges. At the time of his death, he was 18 months' old.
3. I was the trial judge. No-one else but you was present when the assaults took place which resulted in Alfie's death. Neither of you has told the truth about what happened. You have each blamed the other, claiming not to have seen the assaults taking place, let alone admitting to playing any part in them. There was, therefore, no credible direct witness evidence before the Court of the way in which the assaults unfolded. Nevertheless, despite the absence of truthful eyewitness accounts, the medical evidence and other evidence at trial means that I am in a position to be satisfied so that I am sure that what follows is an accurate description of the circumstances of Alfie's murder, and the part that each of you played in it.
4. Alfie was born on 26 May 2019. His father was Sam Phillips, and at the time of his birth you, Sian Hedges, and Sam Phillips were living together near Whitstable, Kent. By September 2020, your relationship was in difficulties. You started a relationship with Jack Benham, although you did not tell either Sam Phillips or Jack Benham that you were in a relationship with the other. By November 2020, you were effectively homeless. You divided your time between staying with Sam Phillips in his caravan, and staying with Jack Benham, who was living in a caravan in the garden of his parents' house near Whitstable. At the time of Alfie's death, the two of you had been in a relationship for only a short time, about 10 weeks.
5. You, Sian Hedges, were, until the night of his death, a loving mother to Alfie. You had no history of abusing or mis-treating him, and Alfie was generally well

cared-for. But, alongside that, you put your own interests first. You had the opportunity to provide Alfie with a stable home with your mother in Devon but instead you took him with you whilst you moved between your two partners on an almost daily basis. You took cocaine regularly, and did so in front of Alfie. Indeed, traces of cocaine from secondary transfer were found in Alfie's bloodstream. You spent a substantial amount of your income on drugs.

6. You, Jack Benham, had recently separated from the mother of your two children. You had developed a major crack cocaine habit. Indeed, it was drugs that had brought the two of you together, and most of your time in each other's company was spent taking drugs.
7. The medical evidence shows that Alfie suffered a number of injuries some 36-72 hours before his death. These consisted of a number of relatively minor rib fractures, which were caused by excessive squeezing, and the fracture of a bone in his foot, almost certainly caused by someone deliberately standing on it. I am satisfied that these injuries were caused by you, Jack Benham, as the result of inappropriately rough or bad-tempered treatment of Alfie. These injuries were not life-threatening.
8. The main assaults upon Alfie took place in the caravan during the night of 27/28 November 2020. A number of witnesses told the court that Alfie was well and in good spirits when he entered the caravan with the two of you in the early evening of 27 November. In the course of that night, Alfie sustained approximately 50 injuries from the assaults, pretty well all over his body. There were cuts, abrasions, bruises, haemorrhages, soft tissue injuries, and fractures. These included complete fractures of the radius and ulna bones in his arms just above both wrists. These were caused by a brutal combination of squeezing, gripping and bending of Alfie's arms. The bones were described by the medical expert, Professor Mangham, as having been shattered by the force of the assault. As a small child's bones are resilient and pliable, it would have required a great deal of force to produce this result. Alfie also suffered the complete fracture of the tibia and fibula of his left leg. Again the bone was shattered and again this would have required the application of a great deal of force. Alfie suffered several fractures to bones in his feet, caused by crushing. Still further, Alfie's sternum was fractured, something that would have required a great deal of force to achieve, and he sustained several further fractures to his ribs, probably from crushing. Alfie sustained a number of serious injuries from blows that were directed at his face and his eyes. His head was gripped very tightly, which resulted in heavy bruising to much of his skull. A hand had roughly been placed over his mouth, smothering him, no doubt to stop his crying. This was done so violently that the frenulum, the skin between his upper lip and his nostrils, had been torn. Alfie was bitten hard several times on a number of different parts of his body, including his arm, his back, and one foot, in each case causing wounds, and in the latter case causing a fracture to his toe. These injuries were the result of what can only be described as a frenzied attack. It is impossible to be sure how long the attack lasted, but, given the number of different injuries that were inflicted on Alfie, it must have lasted a considerable time.

9. The injuries suffered by Alfie that night were so numerous and so serious that the medical experts were not able to say which of them had been the immediate cause of Alfie's death. It is absolutely clear, however, that the cumulative effects of these vicious and brutal assaults resulted in his death. It must have taken some considerable time to inflict these injuries on Alfie, and the pain and fear that he must have suffered is almost unimaginable.
10. As I have said, you were the only two people in the caravan with Alfie on the night of 27/28 November 2020, and you have both continually lied about what happened. However, it is clear that you had planned to spend the night taking drugs and drinking. During the course of the evening, you, Jack Benham, smoked a gram of crack cocaine, and you, Sian Hedges, snorted half a gram of cocaine. Together, you also drank most of a litre bottle of whisky, and part of a bottle of rum. You, Jack Benham, drank more than Sian Hedges. Sometime before midnight, you had exhausted your supplies of drugs and you, Jack Benham, pestered Sian Hedges to make a trip to your dealer to buy more. This you did, Sian Hedges, but you were unable to rouse the dealer and you returned empty-handed.
11. I have no doubt that, at some point during the night, Alfie woke up and was crying and distressed, no doubt at least in part because he was teething but also because of the injuries that had been inflicted upon him earlier in that week. Alfie became an inconvenience and an irritation. You were both angry with him for interfering with your night's drinking and drug-taking, and were annoyed by the noise he was making. You, Jack Benham, were frustrated that it had not been possible to obtain more drugs. You decided to teach him a lesson. The injuries were inflicted in an attempt to control, discipline, and punish this small child. It is not possible for me to say with certainty which of you inflicted each of the individual injuries. However, I am sure that you, Jack Benham, took the lead, and inflicted most of the injuries, including the main fractures. You are the stronger of the two; you have the worst temper; you had consumed more alcohol that night; and you were the one who was most frustrated that the drugs had run out. But you were both involved and assisted and encouraged each other. You, Sian Hedges, were responsible for at least one of the bites on Alfie. Once the assaults were over, you placed Alfie in bed with the two of you, and you went to sleep. At that stage, neither of you had any idea that your assaults had killed Alfie. At some point, whilst you were asleep next to him, Alfie died. You woke up at about 11.30 the next morning, and almost immediately realised that Alfie was dead or dying. You were shocked and horrified, and you ran to Jack Benham's parents' house for assistance. It was already too late.
12. I accept that you both tried to get help for Alfie. You did not call 999 but that was only because you thought that the best thing to do was to get help from Jack Benham's parents. Jack Benham's mother, Joan Benham, made heroic efforts to resuscitate Alfie, but it was too late: he was already dead. It is clear that you, Sian Hedges, were utterly devastated by Alfie's death, but you both immediately took steps to cover up your responsibility for his death. Your first thoughts were for yourselves. You lied about what had happened in the caravan, and you maintained your lies through police interviews and at trial. At first, you sought to give the impression that Alfie had died as a result of a tragic accident, through being trapped by Jack Benham's legs under the duvet. When, at trial, it became

clear from medical evidence that this explanation was not credible, you each turned on the other and blamed the other for the assaults, saying, in Sian Hedges's case, that they must have been inflicted by Jack Benham when you were away from the caravan trying to buy drugs, and, in Jack Benham's case, that they must have been inflicted by Sian Hedges whilst you were in a deep and drug-fuelled sleep in bed next to her and Alfie in the caravan. Neither of you was telling the truth.

13. Before I come to the sentences, I want to say something about Alfie. His father, Sam Phillips, said that Alfie's smile would light up any room. He was described by his grandfather, Mark Demain, as being a fantastic little boy. The court was shown photographs of Alfie. He had a cheeky grin and was full of energy and life. He was into everything and interested in everything. He melted the hearts of everyone he met. The Victim Impact Statements of his father, Sam Phillips, and his grandfather, Mark Demain, vividly illustrate how much he was loved and how much grief and devastation his murder has caused to those who loved him. It is a great tragedy that Alfie did not have the chance to grow up and to enjoy a full and happy life. The sentences that I am about to impose cannot possibly compensate for the loss of this child's life.
14. There is only one sentence that the law allows me to pass for the offence of murder. It is a sentence of life imprisonment. That is the sentence that I will pass on each of you, but I am also required by Schedule 21 to the Sentencing Act 2020 to specify a minimum term which must elapse before you can be considered for release on licence.
15. It is important that you – and everyone concerned with this case or watching or reporting this sentence – understand what your sentences for murder in fact mean. The minimum term is not a fixed term after which you will automatically be released but is the minimum time that you will spend in custody before your case can be considered by the Parole Board. It will be for the Parole Board to say after expiry of your minimum term whether or not you are fit to be released. There is no guarantee that you will be released at that time, or at any particular time thereafter. If and when you are released, you will be subject to licence and this will remain the case for the rest of your life. If for any reason your licence were to be revoked, such as if you reoffend, you will be recalled to continue to serve your sentence in custody.
16. Schedule 21 to the Sentencing Act also sets a starting point for the minimum term, before taking into account aggravating and mitigating factors. In each of your cases, the starting point is 15 years. Though your actions were cruel and brutal, this is not a case in which the injuries were inflicted for sexual or sadistic reasons, and there is no other reason why a higher starting point would apply. However, the starting point will not be the end point. In deciding upon a minimum term, I will balance all of the aggravating and mitigating factors when determining the minimum term for each of you. I say immediately that, in light of the circumstances of this case, the minimum terms that I must specify will be substantially higher than the starting point.
17. The qualifying days that you have spent in custody will count towards the minimum term. In relation to you, Jack Benham, the time spent is 313 days.

In relation to you, Sian Hedges, the time spent is also 313 days. If any of these calculations are later found to be wrong, it will be put right by correcting the record administratively. The appropriate statutory victim surcharge will be applied.

18. I come first to the aggravating and mitigating factors that are common to both of you.
19. I bear in mind that you, Jack Benham, were the prime mover in the assaults. You, Sian Hedges, played a secondary role, but, as I have said, you were at least to some extent a participant in the assaults - you certainly bit Alfie - and, furthermore, you encouraged and assisted Jack Benham in his assaults. You were Alfie's mother and he deserved your protection.
20. In your case, Jack Benham, it is an aggravating factor that you assaulted Alfie in the days before his death.
21. It is a major aggravating factor that your victim was a defenceless 18-month old child, who was in your joint care that night. You were the people who should have been protecting him. I have taken care, however, when considering the aggravating features, not to double-count the fact that Alfie was a small child, and that his attackers were in a position of trust towards him.
22. It is a further major aggravating factor that the injuries that were inflicted on Alfie during the night of 27/28 November were inflicted in a sustained assault. They were not the result of a single momentary or impulsive act. The assaults involved extreme brutality and resulted in a very large number of injuries. Alfie will have endured great pain and suffering in the period before he fell into unconsciousness, exacerbated by the shock that the assaults were being carried out or facilitated by his own mother and by her boyfriend.
23. In addition, the offending is aggravated by the fact that you were both under the influence of drugs and alcohol. Indeed, it is impossible to avoid the conclusion that these terrible events would not have taken place were it not for the fact that you were taking crack cocaine or cocaine and that drugs had become the main focus of your lives.
24. Still further, almost from the moment that you discovered Alfie's body, you lied to cover up your involvement, and, eventually, you each attempted to place the entirety of the blame upon your co-defendant. Though you undoubtedly fervently regret that Alfie had died, and, in Sian Hedges's case, have suffered greatly from the loss of your child, neither of you has expressed any remorse.
25. In mitigation, I take into account that the attack was not planned or premeditated, and I accept that neither of you intended to kill Alfie. Indeed, until you woke up the next morning, neither of you realised that you had done so. However, the latter point is only limited mitigation: in a case which is concerned with the application of very significant force to a young infant, the difference between intention to kill and to cause serious injury is not very significant. I cannot be sure that any weapon was used and so I sentence you

on the basis that no weapon was involved, but this again is of limited mitigation, given the ferocity of the assault.

26. As for your individual mitigating circumstances, I will deal with you first, Jack Benham. You were 32 years old at the time of Alfie's murder. You had two disqualifications from driving for driving with excess alcohol, in 2006 and 2013, but I do not regard these as being aggravating features. Other than that, you had no previous convictions. You have no history of aggressive or violent behaviour and I accept that this offending was completely out of character. You were going through a difficult time of life, after separating from your partner and were living away from your children but this is scant mitigation for your actions. In truth, there is very little individual mitigation in your case.
27. You, Sian Hedges, were younger, being 24 years old at the time of the murder, and in my view you were still somewhat immature for your age. You were easily led. You have no previous convictions of any sort. I accept that you adored Alfie and, until these events, had tried to look after him as well as you could, whilst putting your own needs first. You were his primary carer and you were devoted to him. As with Jack Benham, this offending was completely out of character.
28. You had had a troubled youth, having been the victim of serious sexual offending by an acquaintance when aged about 13. This, and other experiences, have had a long-term adverse effect on your mental health. Since then you had a somewhat rootless and chaotic life, although your mother, grandparents, and Sam's parents were willing and able to provide you with support. I have seen a report about you that was prepared by a psychologist. This diagnosed you with traits consistent with borderline personality disorder, anxiety, depression and Post-Traumatic Stress, and stated that these symptoms significantly impact upon you and exacerbate issues of vulnerability.
29. I have taken account of your history, your vulnerability and mental health issues as some mitigation in your case. I have also taken account of the relevant Sentencing Guideline. However, this mitigation is limited. Your mental health difficulties do not explain, let alone excuse, your conduct on the night of 27/28 November 2020. You were not dominated by Jack Benham, and he did not abuse you, and you were not suffering a mental health crisis. You chose to take cocaine and willingly played your part in the assaults on Alfie that night. Your vulnerability and the mental health difficulties that you suffered have only a very minor impact upon your culpability.
30. I now come to the sentences. Stand up.
31. Sian Hedges, for the murder of Alfie Phillips, I sentence you to imprisonment for life. Taking account of all the factors that I have set out, the minimum term will be 19 years, minus 313 days to take account of time spent on remand and qualifying curfew.
32. Jack Benham, for the murder of Alfie Phillips, I sentence you to imprisonment for life. Taking account of all the factors that I have set out, the minimum term will be 23 years, minus 313 days to take account of time spent on remand.

Commendations and thanks

33. The investigation which led to these convictions was lengthy and complex, and the police officers and lawyers who played their part are to be commended for the extremely professional and skilful way in which they carried out their duties. In particular, I would like to commend the Officer in the Case, Detective Constable Sarah Copeland, her supervising officer, Detective Sergeant Ash Bowles, and the reviewing CPS lawyer, William Bodiam, for their hard work and dedication.
34. Finally, I would like to thank all members of the counsel teams and their solicitor colleagues, for their hard work, the skilful way in which they presented their cases, and for the positive and co-operative manner in which this case was conducted. I would also like to thank the jury members for their commitment to the case, and the Court staff, so often the unsung heroes, whose work in this trial was exemplary.