

**R**

**-v-**

**Michael Davis & Kayleigh Driver**

1. Michael Davis and Kayleigh Driver, you may remain seated until I indicate otherwise.
2. These sentencing remarks are significantly longer than is normally the case due to the matters raised in the most helpful submissions for which I am grateful.
3. Ollie Davis was born on the 21<sup>st</sup> September 2017 at 38 weeks and 2 days gestation. He was a small baby; his body weight was on or below 0.4<sup>th</sup> centile but he was to gain weight appropriately. He had no developmental abnormalities and there is no evidence of inherited metabolic disease. So Ollie left hospital a normal and healthy baby. Over the next 24 days; so the next three and a half weeks, Ollie was in your care as a couple, regularly assisted by others in at 31 Upper Temple Walk. Those others were members of your family, Kayleigh Driver, principally your mother Mandy, but with help from your stepfather. Peter and sister Georgia. You also had help from others living nearby mainly your grandmother, aunt and to a lesser extent your grandfather. They were loving, supportive and generous to you as a young couple. You were in your parents' home and did not have to worry about the pressures many young couples face when bringing up a family.
4. There is also no evidence, and neither of you have said at any stage, that Ollie was a difficult baby; apart from being small there was nothing unusual about him. The evidence is that he acted as babies usually do. He was, as described by Mr Driver in a moving tribute, a little ray of sunshine.
5. On the morning of 21 October 2017, the ambulance service was called attended but Ollie was dead.
6. By the time of his death Ollie had suffered 40 fractures. The fatal injury was a broken neck and he had also suffered a skull fracture, displaced fractures to his right arm and right clavicle, left arm, 23 rib fractures and 10 separate fractures to the growth plates of each of his four limbs. He also had intracranial subdural bleeding and an injury to his foramen. A truly appalling set of injuries.
7. Dr Hamilton, an experienced forensic pathologist said that such a combination of 40 fractures is something you would see less than once a year in his practice usually in a high energy car crash. However, in 16 years of practice he could not remember seeing this extent of injury in an accidental setting.

8. Dr Robinson a very experienced paediatrician in a very large hospital with an expertise in child protection and forensic medicine stated that this was the most severe case he had encountered.
9. The devastating fatal cervical spine injuries which resulted in Ollie's death were inflicted between 4 and 8 days before his death (between Friday 14<sup>th</sup> and Tuesday 17<sup>th</sup> October 2017. They consisted of a complete (so from side to side) fracture of C5 vertebral body (the most serious type of fracture), a crush fracture of C7 vertebral body, disruption of anterior and posterior longitudinal spinal ligaments and associated bleeding.
10. These injuries were caused by forceable hyper-extension of the neck. Professor Mangham, who has been a musculoskeletal pathologist for 30 years and who frequently provides expert reports in cases of child deaths, stated that during the course of his work he did not ever recall seeing fracturing as extensive as this. To cause Ollie's neck injuries required more than just shaking. The neck was forced back beyond its normal limits and severe force was needed. Dr Malcomson, also a very experienced specialist pathologist, stated that it was very, very uncommon to have such extensive neck fractures and he had never seen it in his 17-year career other than in this case.
11. Ollie also suffered a skull fracture which completely traversed the skull bone and also injury to the white matter of the brain. The healing responses indicate that the fractures occurred 2-6 days before death and were caused by blunt force directly to site; so an impact against a hard surface. The brain injury was likely caused by the same impact that caused the skull fractures.
12. There was bleeding into the membrane around the bone which contains blood vessels and nerves. The bleeding would have been painful for Ollie.
13. There were subdural brain haemorrhages in multiple locations overlying the brain.
14. Ollie suffered a complete, displaced fracture of the right clavicle. This was caused between 4 and 8 days prior to death. Professor Mangham stated that the degree of force required to cause this displaced fracture was very significant as it is a single strong bone, stronger than a rib. The mechanism was direct impact or pressure or as part of a severe twisting motion of right upper arm.
15. There was also a complete fracture of the shaft of the right humerus with the bone having been twisted during the course of the fracture. Again, this is a major bone which was completely fractured and displaced so it required "top end" in terms of severity in terms of force.
16. Added together the two separate serious injuries to the right arm and collar bone would have meant Ollie was severely distressed. He would have suffered intense pain for the first three days and if the arm was moved pain would reoccur.
17. There was a partial fracture of shaft of left humerus.

18. Ollie suffered ten growth plate fractures of the long bones of each of his four limbs. They were caused by pulling and twisting forces applied to either side of the fracture site. Professor Mangham identified four different windows between 2 and 8 days and was of the opinion that the injuries to the legs were caused differently to arms, with the arms injured closer to death.
19. Ollie had suffered 23 rib fractures. Save for one fracture they were all caused by severe compressive force and 21 of the fractures were caused in the range between 10-4 days and were sufficiently similar that a mechanism of chest compression could have caused them at the same time, so there could have been a single occasion. Alternatively, they could have been caused on more than one occasion. Ollie would have had to have been squeezed with a significant degree of force.
20. Dr Robinson said that if these 21 fractures were caused on one occasion, it would be double the number that he had previously encountered in clinical practice or child protection work and he would expect any baby injured to such an extent to be distressed on breathing as the extent of injuries would be likely to cause respiratory difficulties and pain within the first three days.
21. There were also fractures to the left front rib reflected in Count 1. They were caused around the time of Ollie's death and were significant as the timing of them put Ollie in your care Michael Davis.
22. Finally, there was an injury to the frenulum probably caused by the forceful insertion of a bottle.
23. Each of the injuries was caused by you Michael Davis. I am sure that you Kayleigh Driver did not directly cause any injury to Ollie.
24. I am also sure, as the Jury clearly was, that Ollie's injuries were caused on multiple occasions. There are three main reasons for this conclusion.
25. Firstly, at least five different mechanisms were required to cause this terrible array of injuries;
  - (i) A blow or impact to the skull
  - (ii) Hyperextension of the neck
  - (iii) Compression for ribs
  - (iv) Twisting for the humeral fracture and
  - (v) Pulling and twisting to cause growth plate fractures.
26. Secondly, the agreed schedule of injury provides seven different age ranges (in addition to the frenulum injury).
  - (a) Left 1<sup>st</sup> Rib; peri mortem within 12 hours.
  - (b) Then five ranges for the other fractures between 2 and 10 days before death. Professor Mangham explained that as these five ranges involved a single person,

who would heal at the same rate for all fractures, there was very limited likelihood of overlap between some of the ranges.

(c) Finally the range for subdural haemorrhaging was 10-6 days

27. Thirdly as Dr Robinson explained if all the injuries have been inflicted on one prolonged occasion, then the result would have been likely to have been an extreme situation and he would have expected Ollie to be on the pathway to collapse.
28. I am satisfied that there were at least four separate episodes or events of violence; specifically
  - (i) When injuries were caused prior to the neck injuries. These established the risk that the jury concluded Michael Davis posed to Ollie and were most likely the rib fractures.
  - (ii) When the neck injuries were caused
  - (iii) The fracturing of the left first rib
  - (iv) The frenulum injury
29. How many more than four episodes cannot be assessed with certainty as more than one form of injury could have been caused during each of the first two episodes; so, the arm and clavicle injuries could have been caused at the same time as the ribs or the neck injuries. However, the more injuries caused in a single episode the more violent and sustained it was. Alternatively, a greater number of episodes the more regular the violence. This was very far from a single episode of shaking.
30. I am also sure that Ollie had sustained none of the identified injuries before the afternoon of Friday 13<sup>th</sup> October (eight days before his death). The experts agreed that the no injuries occurred before 11<sup>th</sup> October and Ollie was handled by a neighbour who happened to be a nurse on the 12<sup>th</sup> and a health visitor saw Ollie on the morning of the 13<sup>th</sup>.
31. The first serious injuries caused most likely at least the rib injuries were caused over the weekend of the 14<sup>th</sup> /15<sup>th</sup> October (the middle of the range was Saturday 14<sup>th</sup>).
32. The neck injury was caused between Friday 13<sup>th</sup> October and Tuesday 17<sup>th</sup> October (the middle of the range was Sunday 15<sup>th</sup> October)
33. I am satisfied that some of the injuries were inflicted in the early hour of Monday 16<sup>th</sup> October. Mr Davis had been gaming heavily on Sunday evening and just after midnight Georgia Bolton was sufficiently disturbed by Ollie's crying in the bedroom above that she sent a message.
34. The left rib injury and injury to the frenulum were caused in the immediate run up to Ollie's death.
35. Michael Davis, I have no doubt that during the nights you became frustrated and angry with Ollie's perfectly ordinary behaviour, and this led to terrible violence against him.

36. Until immediately prior to Ollie's birth you had never had a job, save for some work experience, or any direction in your life, which revolved around gaming, for six years after you left school. You had been used to doing what you wanted as regards sleep choosing to game at night and sleep during the day; you described yourself as a nocturnal owl and I have no doubt correctly as a bit lazy. The evidence was that you did not even overly bother with personal hygiene or appearance.
37. With the imminent arrival of Ollie, and as you were living with Kayleigh Driver's very hardworking family, you recognised things had to change.
38. As of September 2017 you were within the probationary period of your first job as a technician at Specsavers and had a baby. These new twin demands required you to change your lifestyle as you obviously could not now sleep during the day and game through the night. However, you would not give gaming up and attempted to spending as much time as you could on Fifa and other games. You simply could not adequately prioritise you family, despite what you have claimed. The evidence shows occasions when you chose not to sleep when you had the opportunity rather chose to play on such was the grip of gaming.
39. I have no doubt that on 13<sup>th</sup> when Kayleigh Driver's other children arrived for an arranged access visit, Mr Johnson found you gaming with Ollie in the pram out of sight in passageway and you refused to stop the game even though the three other children had arrived. It gave an insight into your priorities. I note in passing that there was no evidence to indicate that Ollie was injured or distressed at this point.
40. You took responsibility for night feeds; in all probability as you were still awake gaming when Kayleigh Driver went to bed and is clear that you did not prioritise sleep. An example within the window for the assaults is the night of 16<sup>th</sup>/morning of 17<sup>th</sup> October. At 2.33am you messaged a gaming friend to say that you had fallen asleep whilst playing but were now going to play on. You were at work later that morning and at lunchtime messaged about recent group play by their gaming group expressed your disappointment with the limited contribution of others.
41. I have no doubt your lack of proper sleep had an impact and you claim otherwise is untrue. You were burning the candles at both ends and something had to give, and it was your temper.
42. Michael Davis, for the grave offence of murder there is only one sentence prescribed by law that is imprisonment for life. That is the sentence I shall impose upon you in due course. However, I am required to determine the minimum period you should serve in prison before you are eligible to be considered for release on parole.
43. It is most important that you and everyone concerned with this case should understand what the minimum term means. It is not a fixed term after which you will be automatically released but 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 at that time whether or not you will be released. If and when you are released, you will still be subject to licence, and this will be the case the rest of your life.

44. In coming to the appropriate minimum term, I must first decide where this case falls within schedule 21. I have applied the criminal standard in doing so. In my judgment Paragraph 5 applies to you giving a starting point which is 15 years. However the starting point is by no means the end point as aggravating and mitigating features need to be considered and balanced out before arriving at final term.
45. I turn first to the aggravating features.
46. The first is Ollie's vulnerability. It is difficult to imagine a more vulnerable person than a baby who is just a few weeks old. The second is that you were in also in a position of trust as a parent. However it is necessary to avoid what would be double counting given that Ollie's vulnerability which gave rise to the position of trust is already an aggravating feature.
47. The third and the most serious aggravating feature is the nature and extent of your attacks on Ollie. You assaulted him on multiple occasions. This was persistent maltreatment and not an isolated incident of a loss of temper. The attacks, in their various forms, were also brutal; in particular the fatal neck injury.
48. You have been convicted of two counts of inflicting grievous bodily harm on Ollie in relation to the anterior first rib and one in relation to all other injuries apart from the neck. I take those offences into account when setting the minimum term and will impose concurrent sentences.
49. I have regard to the Definitive Guideline on Assault and the principles set out in the child cruelty guidelines, and, importantly, to the principle of totality.
50. For each of the assault counts your culpability is high because Ollie was vulnerable, there were multiple episodes, and the injuries were inflicted upon a baby who already had serious injuries. It is impossible to say what the long-term consequences of the serious physical harm Ollie sustained would have been, because he did not survive more than a few days, so the case should be treated as a category 3 harm. The same aggravating and mitigating factors apply as I shall set out in due course. These offences, taken in isolation, would have a range of 4-7 years imprisonment with a starting point of 5 years.
51. Count 1 has the aggravating feature of the prior assaults as it relates to the last injury in time and superimposed on all other injuries. However it is at the very bottom of the category of really serious harm and separately charged only because of the importance of time frame.
52. Count 2 relates to the other bone fractures (skull, both arms, collar bones, other ribs and the growth plate fractures of all four limbs). Multiple assaults caused a very serious combination of injuries, including with complete displaced fractures with the long term effects unknown. Your culpability and the harm caused would require a sentence outside the range.

53. The fourth aggravating factor is the physical suffering that Ollie endured before his death. This is a specific factor within schedule 21. Ollie had displaced fractures of the right clavicle, right humerus and right first rib. As Dr Robinson said for three days movement of his right arm must have been excruciatingly painful. This to be taken together with the effects of the skull and rib fractures. Ollie was crying in a noticeably different way from Wednesday 18<sup>th</sup> September at the latest, showing his pain and discomfort and the wider family thought he had colic. Again I am conscious not to double count with the effects of the assaults covered by Count 2
54. The fifth is your failure to seek medical help after each assault, the need for which must have been obvious to you, including when colic was discussed as a cause for his crying. This showed callous indifference to Ollie's suffering and welfare.
55. The sixth is your blaming of others. In your interviews you suggested Mandy Bolton may have been responsible. It was only during this trial that you withdrew what you said in the interview, that she was the only one you had suspicions about and that you would not put it past her. Your case at trial was that the perpetrator was Kayleigh Driver.
56. The following mitigating factors are present:
- (a) An intention to cause serious bodily harm rather than to kill.
  - (b) Lack of premeditation.
  - (c) Age and immaturity
  - (d) Good character
  - (e) Health
  - (f) Delay
57. I take these in turn.
58. I accept that the intention was to cause serious bodily harm rather than to kill, this being a specific and very important mitigating factor within schedule 21. However the extent of the deliberate harm and significant suffering caused to Ollie over several days prior to his death and the nature of the fatal assault with the terrible neck injuries means that the intention, although not to kill, was at the very upper end of the spectrum of serious harm. Also why I accept a lack of premeditation I must weigh into consideration that you knew that you had seriously assaulted Ollie before you caused the neck injury and what had caused your loss temper, yet you put yourself in the same position and did not ask for any help.
59. You were 23 at the time of the assaults on Ollie; your birthday was on 3<sup>rd</sup> October and were not ready for the demands of fatherhood and a job. Your lack of maturity was largely born out of your failure to do much with your life for six years save game. Real life took second place to the imaginary. In your case unhappy childhood experiences are of limited relevance. Your immaturity was reflected in the fact that you failed to properly prioritise Ollie's welfare and continued to game and were less able to evaluate the consequences.
60. You are also a man of previous good character.

61. Health. You were diagnosed with epilepsy in January 2021. You have, asthma, carpal tunnel syndrome and, more recently, anxiety and depression. I take these into account in terms of the increased impact of imprisonment.
62. Delay. You were first arrested on 27<sup>th</sup> October 2017; so now approaching six and a half years ago and were charged on 7<sup>th</sup> October 2021; so two and a half years ago. I recognise the mental effect the delay must have had.
63. I must arrive at a sentence which properly reflects your culpability and achieves a just punishment. In my opinion balancing out all the aggravating and mitigating features, which requires more than a mechanistic approach, requires a very substantial increase from the starting point of 15 years.
64. Credit must be given for time on remand.
65. You will have spent 19 days in custody for this offence.
66. I direct that if the surcharge applies in this case it should be drawn up in the appropriate amount.
67. A transcript of these sentencing remarks be attached to your file for the benefit of the Parole Board. Compensation is not appropriate.
68. I also wish to praise the work of the investigation team in this in this very difficult, complex and sensitive case. It was of the very highest quality and the public and victims and this Court have been very well served by it. Such work rightly deserves public recognition.
69. Finally I wish to recognise the excellence of the legal representation on all sides of this complex case.
70. Michael Davis stand up please.
71. For the murder of Ollie Davis I sentence you to life imprisonment. You will serve a minimum term of **22 years** less the 19 days you have served on remand.
72. On count 1 there is a concurrent sentence of 2 years.
73. On count 2 there is a concurrent sentence of 8 years.
74. Please take him down.
75. You have been convicted of two counts. One of causing or allowing the death of your son and the other of causing or allowing him to suffer serious physical harm.



76. The jury were satisfied either that you were aware or ought to have been aware of the risk Michael Davis posed to Ollie. There is a difference between the two types of knowledge.
77. The Court of Appeal has made it clear<sup>1</sup> that it is not appropriate for a Judge to question the jury as to the basis for their verdict on these offences. When there is more than one possible interpretation, then the judge must make up his own mind, to the criminal standard, as to the factual basis upon which to pass sentence. If, as here, there are two possible interpretation, and a Judge is not sure of either then (in accordance with basic fairness) sentence must be passed on the basis (whether in whole or in relevant part) most favourable to the defendant.
78. I am satisfied that you have not been truthful about a number of things.
79. Also, as I have stated, I am sure that Ollie's injuries were caused on multiple occasions. They were inflicted during the night when Michael Davis took care of Ollie, and, save possibly for injuries to the left front rib and frenulum, in your bedroom. I do not accept your claim during your evidence that Michael Davis must have regularly fed and changed Ollie downstairs during the night giving the opportunity to assault Ollie out of your earshot.
80. You must have heard Ollie's cries after he was assaulted as you were together in that bedroom. He would have screamed when the injuries were inflicted and this must have woken you up. An example is the morning of 16<sup>th</sup> at 12.07 call when his cries were loud enough to disturb your sister on the floor below. You must have known that Ollie was very distressed after being in the care of Michael Davis. You witnessed the aftermath. It was not a case of subtle indications of distress and you had a lot of experience of babies crying.
81. You were also an experienced mum having cared for your three other children. You had completed level one childcare at Loughborough college and passed the exam and, as you told the jury, knew how to check for injuries. You were the main carer and handled Ollie every day and far, far more than anyone else. As Dr Robinson explained, Ollie would have been in excruciating pain in his right arm for three days given the displaced fractures to both his right arm and right collar bone. He also had displaced fractures of the right first rib. He would have reacted to the pain on any movement of his right arm. Three days is a long time and it is inconceivable that you did not think that something was wrong. You gave evidence of checking his arms for fractures after your son jumped on your lap on Saturday 14<sup>th</sup>. It may be, I cannot be certain, that what you were really checking for was any injury following distress the previous night. He would also have struggled after his rib injuries. I do not accept your only concern in his tragically short life was that he had colic.
82. There is a wide range of constructive knowledge. Indeed there comes a point when a refusal to confront what is blatantly obvious, and/or turning a blind eye given what is actually known to have occurred, amounts to actual knowledge of the risk. In my view

---

<sup>1</sup> See R-v-Hopkinson [2014] 1Cr.App.R.(S)119

you have come very close indeed to crossing that line. However after very careful consideration I am not satisfied that I should sentence on the basis that you actually knew of the risk. Rather I sentence on the basis that you had just short of actual awareness.

83. You heard and saw enough to be reasonably expected to have been aware of the risk posed by Michael Davis to Ollie, but did not act to protect him. The only sensible conclusion is that you put your relationship with Mr Davis above Ollie's safety. Help was on the floor below and there can be no doubt whatsoever that your family would have fully supported you had you revealed what you were aware of.
84. You have been described as loyal to your partners and a health visitor found it striking how you would talk your relationship with Michael Davis rather than focusing on Ollie.
85. That you can switch off from you children is demonstrated by the return of your three eldest children to their father in Mansfield and that you then had no contact with them for five months and immediately started the relationship with Michael Davis.
86. You remained loyal to Michael Davis right through to this trial. He has never been either violent to you or domineering, this was entirely your own free choice. I unhesitatingly reject the suggestion, first made during mitigation that you have been subject to any controlling or coercive behaviour. You stood with him and as a result against your family who clearly believed, correctly, that he was responsible for Ollie's death, such that you have had no interaction with your family for several years. You knew that if you had not injured Ollie Michael Davis must have done, yet you continued to live with him and to have further children. Your choice to stay faithful to him speaks volumes. Indeed you have even stayed in contact with him after his conviction.
87. The Sentencing Council has published a guideline, effective from 1<sup>st</sup> April 2023 for offences of causing or allowing a child to die and causing or allowing a child to suffer serious physical harm. This guideline reflects the increased maximum sentences of life imprisonment in relation to death and from 10-14 years in respect of serious injury and introduced a new category of "very high culpability" for the most serious cases. Given that your offences are not subject to the increased maximum sentences it is also necessary to have regard to previous 2018 guideline as it is clearly relevant. It is important that everyone understands that the maximum sentences for your offences have now increased but the old lower maximum sentences still apply to you.
88. In respect of both offences your culpability was category A.
89. There were multiple incidents, the use of very significant force and a failure to take any steps to protect the Ollie from Michael Davis' assaults.

90. I do not accept the submission that your responsibility is substantially reduced by developmental or learning disability or lack of maturity. The word substantially is important.
91. I have carefully considered all the evidence in this case about the offences, you and your life, including all of the medical reports, your police interviews and evidence and the evidence of others.
92. I accept that you are immature, have a disorder of intellectual development and are suggestible. However culpability will only be reduced if there is sufficient connection between an impairment and the offending behaviour.
93. The following matters are of particular relevance.
- (a) As Dr Wood states you do not have what was described as a learning disability; Dr Galappathie says that you are borderline. The evidence of your day to day functioning is that the impact of impairment has been limited. It is noteworthy that you passed the level one course in childcare at Loughborough College (a 3-5 day a week course) and had had embarked on level 2 before you fell pregnant. You have also displayed appropriate understanding and insight through the police investigation and the trial.
  - (b) You had a previous relationship and had cared for three children effectively as a single parent Monday to Friday for two years when living in Mansfield. Although you had an unorthodox view about discipline and struggled with the practicalities of the journey to school with three very young children you obviously otherwise coped very well;
  - (c) As I have said the signs of Ollie's distress in the aftermath of injury were not subtle and you had a supportive and loving family in the same house. The reality is that you chose, without any pressure, to prioritise your relationship with Michael Davis over Ollie and that is why he was not challenged.
94. For the offence of causing or allowing death the harm is category 1; death and the starting point is nine years.
95. For the offence of causing or allowing serious harm it is difficult to assess what the long term harm from the serious injuries would have been and category 2 would be appropriate. The starting point is three years.
96. Under the guideline effective from 1<sup>st</sup> April 2023 the offence of allowing death would be the new category A due to a combination of high culpability factors and category 1 harm. The starting point would be 14 years i.e. the maximum sentence at the time of the commission of these offences. This requires significant downward adjustment to reflect the large change in maximum sentence.

97. The offence of allowing serious physical harm would be within the new category A due to a combination of high culpability factors and category 3 harm. The starting point would be 7 years. Again this requires downward adjustment to reflect the change in maximum sentence from 10 to 14 years.
98. Bearing in mind the need to adjust downwards from the current guideline and the content of the 2018 guideline, although not strictly binding, I shall take the safest course to avoid unfairness and take the appropriate starting point for allowing death to be nine years and the starting point for allowing serious physical harm to be three years.
99. The significantly aggravating feature for count 9 is Ollie's prolonged suffering before death, he must have been in pain for considerable periods of time. There is a degree of overlap with there being multiple incidents of serious cruelty and Count 5.
100. I will pass concurrent sentences on the two counts so the extent of criminality will be reflected on count 9. In isolation these factors warrant an increase from the starting points.
101. The following mitigating factors are present:
- i. You had constructive rather than actual knowledge
  - ii. Good character
  - iii. Limited intelligence and lack of maturity
  - iv. Health
  - v. Effect on your family life
  - vi. Delay
102. I take these in turn.
103. This is a case of constructive knowledge albeit very close indeed to actual knowledge.
104. I have had regard to the reports of Dr Wood and the guideline in relation to sentencing offenders with developmental disorders. Whilst I do not accept that your responsibility is substantially reduced by limited intelligence, borderline learning disability, lack of maturity or suggestibility they do provide some mitigation. I accept that as a result a custodial sentence will weigh more heavily on you than others.
105. More significantly, you have multiple sclerosis a serious, chronic medical condition requiring long term treatment. I note what Dr Matar has said and I approach matters on the basis that the condition is variable, to a degree unstable and ultimately deteriorating. Given your physical disability with consequential lack of mobility and requirement for treatment and the provision of care, the potential for the stress of incarceration to exacerbate your MS symptoms and also your depression and anxiety, custody is highly likely to have a very much greater impact upon you than others. Your health warrants a merciful approach.

106. Your convictions will also have a life long effect on your family life. I have mentioned three of your children; you had another child with Mr Davis after Ollie's death. It is highly unlikely that you will ever be allowed unsupervised access to any of your children.
107. As with Michael Davis I also take into account the delay in this matter getting to Court and the consequential impact upon you.
108. After weighing up the aggravating and mitigating features there must be a significantly lesser sentence than the starting point.
109. I must consider dangerousness. I am readily satisfied that you do not pose a significant risk of any further relevant offending.
110. I direct that if the surcharge applies in this case in respect of any of you it should be drawn up in the appropriate amount.
111. Kayleigh Driver you serve one half of the custodial sentence I am about to impose before release on licence until the end of the sentence.
112. For the offence of causing or allowing the death of a child (count 9) there is a sentence of seven years imprisonment.
113. For the offence of causing or allowing a child to suffer serious harm (Count 5) there will be a concurrent sentence of two years.
114. Please take her down.