



THE HON. MR JUSTICE GARNHAM

In Newcastle Crown Court

**R v Robinson
24 May 2024**

Introduction

1. Christina Robinson, on 21 March 2024, you were convicted, on the unanimous verdict of the jury, of the murder of your three year old son, Dwelaniyah, and on four counts of child cruelty. It now falls to me to sentence you.
2. As I told you on 21 March, the sentence I must impose on you for murder is fixed by law. I am required to sentence you to life imprisonment. But I must also consider whether to impose a ‘whole life order’ or, if not, what the ‘minimum term’ should be before the early release provisions can apply to you. I make it clear now that I do not consider that this is a case where a whole life term is appropriate, but I emphasise that the minimum term means what it says; you will serve that period before you are eligible even to apply for parole.
3. The victim statutory surcharge applies in this case.
4. I record here that counsel instructed by you for this hearing, who had said on 16 May that he was able to appear and represent you, withdrew shortly before the hearing began, indicating that he had not had sufficient time to prepare. Mr Nicholas Lumley KC was available to represent you at court but you declined to instruct him. Nonetheless, at my request, Mr Lumley agreed to appear as advocate to the Court and to put forward submissions and mitigation as would be appropriate on your behalf. I am very grateful to him for his assistance.

The Facts

5. For the purposes of sentencing, I reach conclusions against you only when I am sure of those facts. All my findings of facts will be consistent with the verdict of the jury.

6. The events that led to Dwelaniyah's injuries and death were explored in great detail during the trial and I need only to summarise them here.
7. In 2022, you were living with your two sons in Usha Moor in Durham. Your husband was undergoing training in the RAF and so was away from home for the whole of the period with which I am concerned. You were responsible for the care and disciplining of your two young sons. The offences all arose from your treatment of your eldest son, Dwelaniyah, in the period from mid-October 2022 until his death on 5 November 2022.
8. On Wednesday 19 October 2022, as I find it to be, you discovered Dwelaniyah had soiled himself. He was still undergoing toilet training at the time and, as you and every parent knows, accidents sometimes happen. Your account of what happened was that you stood him in the bath and ran hot water from the shower head over his body to clean him and simply failed to notice that the water was very hot. The jury, rightly in my view, rejected that account. As the medical experts told us, the pattern of burns on Dwelaniyah's body was entirely inconsistent with your versions of events.
9. I accept that you took Dwelaniyah to the bathroom and stripped off his clothes. But I find as a fact that you then ran a bath. As you knew, the bathwater in your home was often extremely hot, and cold water needed to be added if it was to be used to wash. But you added no cold water. Instead you plunged your naked 3 year old son into the scalding hot water and held him down in the water for long enough to cause the dreadful injuries we saw in the photographs. You must have known that water was extremely hot. That must have been obvious as you ran the water. But, in any event, any decent parent would always check the temperature of the water before putting their child into it and would never press him down into hot water, as I find you did.
10. I find as a fact that you were angry with Dwelaniyah, whether because of the soiling or for some other reason, and you put him into that scalding hot water deliberately to punish him. The result was the appalling burns of which we have seen images. Those events were the subject of count 3.
11. Unsurprisingly, Dwelaniyah screamed out in pain from the moment he was immersed in the water. The burns he suffered covered almost 20% of his body, including his buttocks, scrotum and penis, the back of his thighs and the back of his calves. Some burns were full thickness or near to it; others more superficial. All would have been intensely painful both at the time and for the days that followed. As you subsequently admitted, you ought immediately to have called for emergency medical assistance.

But you did not do so. You were more worried about what would happen to you if you reported his injuries. So you decided to treat him yourself with materials you purchased on-line. That treatment was wholly inadequate and provided none of the therapeutic benefits which he would have received if treated in hospital. That continued to be the position until Dwelaniyah's death. Your persistent failure to get prompt medical help for your badly burnt child was the subject of count 5.

12. You were a follower of a religious group known as the "Black Hebrew Israelites" and would listen to lectures or sermons from the group's speakers on YouTube. Mistakenly, as you subsequently admitted was the case, you took the teaching of that group to indicate that it was appropriate to punish your children, then aged 2 and 3, by beating them with a bamboo cane. You did that to Dwelaniyah repeatedly and with sufficient force to inflict the patterned, tramline bruising to numerous areas of his body which was shown in the photographs. These injuries were deliberately inflicted at a time when Dwelaniyah was already seriously injured from the burns I have already described. These beating were all administered as punishments for behaviour that was objectively trivial but which you considered worthy of severe punishment.
13. What must have gone through the mind of this little boy, being beaten with a cane by his mother, despite these terrible burns, does not bear thinking about. That was the subject matter of count 4.
14. The mistreatment of Dwelaniyah went beyond the infliction of these physical injuries. You also appear to regard it as perfectly acceptable to leave your children on their own, entirely unsupervised for lengthy periods, whilst you went shopping or visited your doctor. The jury found you guilty of repeated acts of abandonment. It was only a matter of good luck that Dwelaniyah came to no harm during the periods he and his brother were left alone. That was count 6.
15. Against the background of all this abuse, on 5 November 2022 you murdered Dwelaniyah. You did so by shaking him, as I find it, forcefully and repeatedly. It may be that you struck his head against an object as you did so. In any event, the result was injury to his brain from which, within a few hours, he died. Those are the facts that form the subject matter on count 1. I cannot be confident that you intended to kill him and, accordingly, I accept the prosecution's submission that you intended him serious harm but not death.

The Sentencing Regime

16. I am required by s322 and Schedule 21 of the Sentencing Act 2020 to fix the minimum sentence to be served in respect of the offence of murder. It is argued by the Crown that the seriousness of the murder in this case is particularly high and that the appropriate starting point is one of 30 years. The basis of that submission is that it is said that I can be sure that you engaged in sadistic conduct towards Dwelaniyah. I reject that contention. I have seen no evidence that you gained pleasure, sexual or otherwise, from hurting Dwelaniyah.
17. Nor do I accept the Crown's alternative submission that when all the evidence and offending is aggregated, the killing of Dwelaniyah was a murder of particularly high seriousness calling for a thirty-year starting point. I note that it was accepted by the prosecution that when you shook him you did not intend to kill him.
18. There is no doubt that your mistreatment of your son, over the 17 days leading up to his death, was appalling in the highest degree. The callousness of your behaviour was well illustrated, in my view, by the text exchange between you and your boyfriend, Innocent, on 28 October, so some 9 days after Dwelaniyah had suffered the dreadful burns to the bottom half of his body. You discovered that Dwelaniyah had accessed some of your tablets during the night and had vomited on the floor. You texted your boyfriend saying that that behaviour by Dwelaniyah deserved "*Major ass kicking*". Innocent replied "*C'mon Chris, he's a child. Just tell not to do it again*". Your reply included the following "*He's old enough to know better. So he'll pay*". When Innocent told you to be gentle, your chilling reply was "*He'll get what he deserves, no more, no less*".
19. In my judgment, the proper approach to determining the sentence here is to look at the various offences individually and determine the appropriate sentence for each. Then I will make the appropriate upward adjustment to the sentence for murder, first for the aggravating features of that offence, and second to reflect the other offences. Then I will make the appropriate reduction for mitigation and considerations of totality.
20. Since I am not satisfied that this murder itself was one of particularly high seriousness, the appropriate starting point is 15 years. However, I increase that to reflect the vulnerability of your victim, because of both his age and his previous injuries, the fact that this was a gross abuse of a position of trust by you as his mother, and the fact that it was committed in the presence of another child, your younger son. That would lead me to increase the sentence for the murder alone from 15 to 22 years.

21. I increase it further to reflect the other offending. In determining what further increase is appropriate I have had regard to the Sentencing Council Guidelines for child cruelty and to the appropriate sentences if the other offences had each stood alone. In my view, had it stood alone, count 3, the scalding incident, would have been regarded as a category B1 case, the use of scalding water amounting to the use of a weapon and the dreadful burns amounting to serious physical harm. In my view, if that stood alone it would warrant a sentence of 6 years custody. Count 5, the failure to seek treatment for the burns would inevitably have been treated as an aggravating feature of count 3. It constituted serious and prolonged neglect and would have justified an increase of 2 years.
22. Count 4, the beatings, if viewed alone, would fall into category B2, high culpability medium harm, and attract a sentence of 3 years. Count 6, the abandonment would fall into category B3, medium culpability, low level of harm suffered, would on its own attract a sentence of 1 year.
23. I note in passing that the top of the appropriate bracket for a single offence of child cruelty, falling within category A1, is 12 years. If the child cruelty offences in your case were viewed as a whole, they would certainly attract a sentence of that order, if not more.
24. In deciding by how much I should increase the sentence for murder to reflect the other offending, I bear in mind that had these sentences stood apart from the murder you would have been eligible for parole in respect of them at the half way point. In my judgment, the appropriate increase to reflect the other offending is 6 years taking the total to 28 years.
25. I must then make allowance for your mitigation, and for totality.
26. The mitigation available to you is that you intended really serious harm to Dwelaniyah, but not his death, and that you have no previous conviction.
27. I then stand back and consider what sentence is just and proportionate as a whole, reflecting all your offending behaviour, the overall harm, your overall culpability, and all the aggravating and mitigating factors relating both to you personally and to the offences. On that basis, I deduct a total of 3 years to reflect the two mitigating factors to which I have referred and totality.

Sentencing

28. Ms Robinson – stand up.

29. For the offence of murder you will go to prison for life. The minimum you will serve before you become eligible to apply for parole will be 25 years.
30. You can go down.

Postscript

31. Before parting with this case, there are a number of commendations I wish to make.
32. As will be apparent to all involved, this was a difficult and at times very distressing case to investigate, prosecute and defend. But all that work were done with commendable care and great skill I commend in particular the following officers of the Durham Constabulary, DS Michael Smith: (Supervising Officer), DC Anna Carter: (Case Officer), DC Sunil Weerasinghe: (Exhibits and Disclosure Officer), and DC Gary Barnes and DC Helen Towns: (Family Liaison Officers).
33. I also record here my gratitude to the solicitor and counsel team originally instructed by Ms Robinson, Jamie Hill KC and Paul Rooney, and to those who instructed them, for the skillful and sensitive way in which they conducted the defence until they were dismissed by the defendant. Finally, I thank counsel in court today Mr Wright KC for the Crown and Mr Lumley KC who appeared as advocate to the Court.