



MR JUSTICE WALL

IN THE CROWN COURT AT COVENTRY

R -V- YASHARAHYALAH & YASHARAHYALAH

SENTENCING REMARKS

1. There are reporting restrictions in force in this case. The child who was the victim of Count 1 must not be named and no information should be published which might lead to him being identified. For that reason I shall refer to him throughout these sentencing remarks as Child B.
2. Tai-Zamarah Yasharahyalah, you have been referred to and addressed throughout this trial as Teez and you, Naiyhahmi Yasharahyalah, as Naiyhahmi. I shall continue to do so.
3. Teez and Naiyhahmi. I have to sentence you both for two offences of child cruelty, one of causing or allowing the death of a child, and one of doing an act tending and intended to pervert the course of public justice.
4. It is important that anyone who listens to this case or reads any report about it understands that you have not been charged with, or convicted of, an offence of murder or manslaughter. At the time at which you committed the offence of child cruelty against Abiyah the maximum sentence for the offence was 10 years' imprisonment. By the time you committed that same offence against Child B, Parliament had increased the maximum term to 14 years. The offence of causing the death of Abiyah carried a maximum term of 14 years' imprisonment at the time at which you committed it. Parliament has now increased the maximum term for that offence

to life imprisonment. I remain bound by the maximum applicable at the time you committed your offence. That is the statutory sentencing matrix within which I must work.

5. Teez and Naiyhahmi. You had two children: Abiyah who was born in 2016 and died, as far as you can remember, in January 2020; and Child B who was born in 2022 and is now in care. You wilfully neglected them in that you failed to provide them with adequate amounts of properly nutritious food, and you failed to obtain necessary medical attention for them. Abiyah died as a result of your wilful neglect of him. Child B has been left with very significant health difficulties. Professor Ng gave evidence that he will require assistance and medical supervision for the rest of his life. I accept that there was no deliberate infliction of physical injury by either of you but there comes a point, such as in this case, where the neglect is of such a degree that it is on a par on with such actions. I accept that you had love for your children but you demonstrated over a protracted period the limited practical nature of that love in that you allowed them to suffer when you knew you could help them and refused to do so for no good reason. It is difficult to imagine a worse case of neglect than that this court has encountered in this case.
6. Your motivation for acting as you did was your prioritisation of your distorted system of beliefs over their welfare. You were prepared to live with any consequences which flowed from your adherence to these beliefs, including the disability or death of the children.
7. This credo was an invention of yours, Teez. You developed it from various sources including the Igbo culture of Nigeria. You chose to adopt those aspects of that culture which suited your purposes, for example polygamy, and reject others which did not, for example their practice of eating an omnivorous diet. You set up an organisation known as Slick Law which purported, for example, to be able to produce passports and advise on matters of “spiritual law”, as your wife termed it at trial. You were striving to establish a following of adherents and were known by some, including Naiyhahmi and her family, by your self-given nickname of “King”. Fortunately, other than Naiyhahmi, you only managed to persuade one other person to follow you. She was the other woman by whom you had a child. She too disengaged from medical services while she was pregnant and was bringing up her son “off grid” as it was called. She and her child were saved any deleterious effects from living according to your belief system by virtue of her child being taken into care and she moving away from you.

8. You were driven to develop this system by your distrust of big pharma and other Western organisations. You came to believe that any contact with the authorities would result in your data being obtained and misused in ways which you were not convincingly able to explain in evidence.
9. This resulted in your “contracting out” of the state, as you termed it, rejecting the help provided by modern medicine, and eating a diet so restrictive that you, your wife and both of your children suffered from severe malnutrition such as is usually only seen in developing countries where there is no access to healthy, nutritious food. I am sure, having heard the evidence, that you often did not have enough money to enable you to buy food sufficient to sustain your family. That lack of money was the direct result of your decision not to claim the benefits to which you would have been entitled and which would have enabled you properly to house and feed your family. Another decision powered by your singular belief system.
10. Naiyhahmi, you were a willing adherent to Teez’s system. You adopted his beliefs from the outset of your marriage and you continue in your relationship with Teez to this day. You were clear in evidence that you supported Teez in his polygamy and his decision to get his other partner pregnant when Abiyah was but a few months old. You embraced his dietary laws and his decision to cease interaction with the state. You terminated your own claim for state benefits which contributed significantly to your family’s inability to eat healthily. You were happy, when the time came, to bury Abiyah in the back garden of your home without informing anyone of his death and to bring up a second child without medical care and proper food despite what had happened to Abiyah. Your total acceptance of the way of life adopted by Teez was summed up when you said in evidence that you did not blame him for anything that had happened. Rather, you said, “I bear equal responsibility with him”. I do not believe that is right. You bear slightly less responsibility because Teez and not you was the motivating force behind this lifestyle. But you were not a victim of domestic abuse, coercion, intimidation or the like. You freely adopted his views and embraced his lifestyle. You bear very significant culpability for what happened.
11. I turn to the catalogue of injury and disease suffered by your children.
12. Investigations revealed that Child B had an obviously abnormally large head for the size of his emaciated body. Of his undoubted malnutrition, Dr Newbury who treated him said, “I have

never encountered a baby with such bad malnutrition in my 21 years working all around the country". He had some relatively minor problems such as a hernia and hydrocele which, while not requiring surgical intervention, warranted proper medical investigation. He also had a myriad of more serious problems. His development was significantly retarded. He had little head or limb control and presented as floppy. He was not smiling as a child of his age might be expected to do. The sutures and fontanelles of his skull were not closing as they should have been. He was diagnosed with rickets, a condition hardly ever encountered in children born in this country nowadays. He had low calcium levels which meant that his bones were poorly formed. The growth plates at the ends of his long bones were splayed and cupped. He had insufficiency fractures of his right thigh bone, left femur and both fibulas. He would have suffered pain when these fractures occurred and when his limbs moved or were manipulated thereafter. He was profoundly deaf in both ears. He lacked necessary nutrients such as phosphates. He was iron deficient. He had anaemia caused by a lack of vitamin B12. The clear evidence of the medical experts was that he had been deprived of nutrients when he was in the womb because of the lack of nutrients in your body, Naiyhahmi, and that this deprivation continued when he was living off your milk once born. He was born with hypothyroidism. Had he been given the "heel prick test" shortly after birth, this condition would have been discovered and could have been treated. He would then have been left with no ill effects from it. Although his hypothyroidism has now been treated, the effects caused by delay cannot be reversed. His prognosis is "very, very poor". He will be left with intellectual deficits for life.

13. You each claimed in evidence that you believed Child B to be healthy and developmentally normal up until the time of his admission to hospital. The jury rejected that on the clearest possible evidence. You might not have had the tools to diagnose his problems but various of them were clear to be seen. For example, I have seen photographs of Child B taken five weeks after his admission to hospital and after he had received medical treatment. His body is obviously misshapen. He had, when the photographs were taken, and, I am sure, at the time you had him in your care, a distended stomach and almost no fat reserves under his skin.
14. That you must have realised that he was not receiving adequate amounts of nutritious food is underlined by the fact that each of you was by then severely malnourished and, despite your protestations to the contrary, must have realised that this was so. You, Naiyhahmi, were practically bed ridden. Photographs show your veins protruding from skin where you have no discernible fat or muscle. You, Teez, had changed from being a healthy fitness instructor to

someone who could barely walk. You could not keep your caravan clean and tidy as you said in evidence you would otherwise have wished to do. The descriptions of the smell emanating from it when Child B was taken to hospital were graphic and horrifying. Your evidence, Teez, that you thought that you might have had some parasitical infestation defies common sense coming as it did from a man with your education. Neither of you can have doubted that your inadequate and restricted diet and your loss of weight and fitness were directly related.

15. You were both mentally equipped to assess your children's conditions. You were both educated. In particular, Teez, you had a degree in medical genetics from the University of London.
16. You had both grown up in conventional households; you, Teez, as Donald Nnah, and you, Naiyhahmi, as Donna Rowe. You both gave evidence as to how the National Health Service had done you proud for the first thirty years of your lives before you adopted this new lifestyle. Yet you denied this advantage to your own children for misplaced ideological reasons.
17. By the time of Abiyah's exhumation there was nothing left but his skeleton. His bones were thickened and porous and largely made up of poor quality bone. His head was bossed. His skull bones had developed in an unusual and uneven way through disease which would have been obvious to anyone who stroked his head. His jawbone was that of a baby and had not developed as that of an older child should. The growth plates at the end of his long bones were cupped and splayed. His legs were bowed such that in life one would have been able to see through the gap between his thighs when he stood with his knees together. Despite that, the evidence was that the bowing was more limited than might be expected of an averagely mobile child with such poor bone structure which should be taken as evidence that he was not very mobile in the period before his death. He had insufficiency fractures to his shins, ribs and radius. These would have been painful when they were caused and caused further pain each time the broken ends of the bone rubbed against one another before they reunited. The fracture to his arm had resulted in a pseudoarthrosis developing which only develops when there is rubbing by one end of a broken bone against the other. These fractures were all caused at least three weeks before death. There was overwhelming evidence that he had rickets. He had anaemia and calcium deficiency. He was deficient in vitamin B12, iron and folates. He had obviously been malnourished in life. You both reported that he had died following a chest infection. The evidence was that his vitamin deficiencies would have compromised his immune system which would have made it more likely that he would

develop such infections and, as a result, die. In life he had truly appalling dental health. Almost all of his teeth were decayed. His jaw bones were of such poor quality that his teeth would have been wobbly and loose. He had a number of abscesses, one of which had eaten right through the jaw bone, allowing the puss to seep out into his mouth. His gums would have bled frequently. He would have experienced pain on eating anything hot, cold or sweet. There would have been acute pain on biting and some constant dental pain. His sleep would almost certainly have been interrupted. He was severely stunted in his growth. At almost four years of age, he was buried in the clothes of an eighteen month old and was no taller than the average fourteen month old child.

18. Again, you both claimed in evidence that Abiyah was happy and healthy right up until his last short illness. That was simply untrue. Many of the signs of his disease were obvious. I am sure that you did not miss them. There was clear evidence that his movements would have been restricted. He must have been in pain and, as a child of almost four, able to communicate that pain verbally or by crying out and screaming. If he truly was unable to do so, it can only have been because he was by then so ill that he was barely aware of what was happening to him or incapable of reacting to it. On either scenario, you must have been aware of his poor health and diet and his need for medical help. You decided not to help him because, to you, remaining true to your beliefs was more important than his welfare. I am sure that it is no accident that there are no photographs of Abiyah in the last 4 months of his life despite the fact that you would take pictures of him and he would do so of himself up until that time. It is a clear sign that you realised how sick he by then was.

19. Having heard the trial, including the evidence of each of you, I make the following findings as to the basis on which I should sentence you on counts 1 - 3:

- a. On counts 1 and 2, I will sentence you on the basis that your wilful neglect encompassed both a failure to provide each of your children with adequate food and nutrition, and a failure to ensure that they received appropriate medical care. Although it was open to the jury to convict you if they were sure of only one of those forms of neglect, I am sure having heard the evidence that you were clearly guilty of neglect in both its pleaded forms.

- b. On counts 1 and 2 I must also set out the basis on which I find that you were wilful in your conduct. The jury were entitled to consider it on two alternative bases. It is for me to resolve to the criminal standard the proper basis for sentence unless I simply adopt the most favourable basis for you. I am sure that it is appropriate to sentence you on the basis that, with Abiyah, your wilful neglect began as you simply not caring whether better nutrition and healthcare would have helped him because you were so obsessed with living life according to your beliefs. However, I am equally sure, having heard the evidence, that the time must quickly have come when you knew that your actions were creating a real risk of him suffering harm and, despite that, continued to deny him proper medication and nutrition. You brought up Child B in a similar way to the way in which Abiyah had been raised with similar obvious results. I am sure that, in his case, you realised from the start that his welfare was at risk by virtue of your bringing him up with inadequate food and no medical assistance.
- c. On count 3, I am sure that you are both responsible for causing Abiyah's death by your conduct. Although the jury were permitted to convict you on the basis that you caused or allowed his death to happen, I am sure that each of you played a part in starving him and failing to get medical care for him when the need for it was obvious to you. It was your wilfully neglectful conduct taken together that caused Abiyah's death.

20. I turn to count 4. When Abiyah died you did not call an ambulance or seek any medical assistance in the hope that his life could be saved. Instead you took his body into the back garden and there buried it. You did not tell the authorities that he had died. You did not register his death. You were rude and abusive to neighbours or, on one occasion, the police when they asked after Abiyah or tried to locate him. You refused to acknowledge his existence after Child B was taken to hospital until you were confronted with photographic evidence that he had existed. Your conduct amounts to a blatant attempt to pervert the course of justice in which conduct you persisted until you could sustain it no longer. You buried him as you did, I am sure, not because you had a belief that this was the culturally appropriate way to dispose of his body, but primarily because you knew that any investigation into the causes of Abiyah's death would lay you open to prosecution, which you wanted to avoid.

21. Overall, I am sure that the way of life which led to all this offending was your creation, Teez, and for that reason your sentence will be longer than that of Nayahmi. But, Naiyhahmi, you went along with it for a long time and were fully aware of where it might lead in terms of your children's health. The difference in the lengths of your sentences will not be great.
22. You each pleaded not guilty. In those circumstances, you can receive no credit for plea.
23. I am urged to find that you are remorseful. I regret to say that I cannot accept your remorse as genuine. Had it been so, you would have accepted that you had acted in a criminal way towards your children rather than pretend that you did not. Your untruthful refrain in evidence was that you did not appreciate the harm you were risking and would have acted differently with the benefit of hindsight. No hindsight was necessary. I am sure that you realised at the time that you were risking your children's health and welfare and refused to modify your behaviour as a result.
24. I will structure your sentences by passing concurrent sentences on counts 2 and 3, the counts relating to the ill treatment and death of Abiyah. The death of Abiyah was the outcome of your cruelty towards him and not the result of any fresh or different action on your part. Consecutive sentences on those two counts would be inappropriate. The sentence on count 1 will be consecutive. This offence involved similar criminal conduct but was directed against a different child on later dates. The sentence on count 4 will again be consecutive. This was different criminal conduct designed to conceal your earlier crimes. It goes without saying that these offences are so serious that they easily cross the custody threshold.
25. I say at this point that I do not intend to treat you as dangerous offenders. You might meet the criteria for such a finding but I intend to pass sentences on you which will keep you in prison for a very significant period of time. These determinate sentences will be sufficient to protect the public into the future. Your only potential danger on release is to yourselves or any children you might have. Given the nature of these offences, I am sure that you will not have access to children once you are again at liberty.
26. Count 1 (the cruelty to Child B). Your culpability was very high for two reasons. Firstly, because it involved two high culpability factors within the Sentencing Council Guideline, namely prolonged and serious neglect, and a deliberate disregard for Child B's welfare. Secondly, because one of those factors, that relating to prolonged neglect, was extreme in nature

because of the length of time over which it continued and the fact that your neglect came in two different forms, each of which was life endangering. The harm is of the highest as your behaviour resulted in him sustaining lifelong developmental delay from which he will never recover. The starting point for sentence is 9 years. It is aggravated by the fact that you repeatedly refused to take advantage of the help offered to you by the police, medics and social workers before a court order compelling your compliance was obtained. Teez, you have no significant mitigation. Your mitigation, Naiyhahmi, lies in your lack of previous convictions. In your case, Teez, the sentence on that count is 10 years. To reflect your mitigation and your slightly lower culpability, the sentence in your case, Naiyhahmi, is 8 years.

27. Count 2 (the cruelty to Abiyah). Again your culpability was very high for the same reasons as I have given in respect of count 1. The harm was of the highest in that your cruelty resulted in death. I must temper the starting point on this count to reflect the lower maximum sentence in place when you committed this offending. I therefore start at 8 years. The need for a good diet and medical care was made clear to you when Abiyah was born and you ignored those warnings. Therefore, I must balance the same aggravating and mitigating factors as I did for count 1 which results in a sentence of 9 years in your case, Teez, and 7 years in your case, Naiyhahmi. However, this sentence will be concurrent to that on count 3 (the count of causing Abiyah's death). That sentence will be longer and will determine the time you have to serve for your conduct in relation to him.

28. Count 3 is again an offence of very high culpability. The factors rendering it so are the same as those for the offences of child cruelty. The harm is self-evidently of the highest. The starting point in the Sentencing Council Guideline is 14 years but that reflects the current maximum sentence for the offence, which is life. I must temper that starting point to reflect the maximum available to me of 14 years. I therefore start at 11 years. Your offending is aggravated by the prolonged suffering before death and mitigated in your case Nahyami by your previous good character and your slightly lesser role. The proper sentence on you, Teez, is one of 12 years and in your case, Naiyhahmi, one of 10 years.

29. Finally I turn to count 4. I take into account the relevant Sentencing Council Guideline. This was an offence of high culpability as your attempt to pervert justice was sustained over a lengthy period of time and was designed to cover up a very serious offence involving the death of your child. The harm was great as your conduct caused a substantial delay to the course of

justice. The proper starting point is 4 years. I must take into account as an aggravating feature the fact that your conduct resulted in the permanent loss of significant evidence in the form of the soft tissues of Abiyah's body which might have revealed his cause of death. His cause of death will now never be certainly ascertained. On the other hand I bear in mind your previous character, Naiyhahmi. I do not reduce your sentence on this count for your lesser role as this was a decision taken by both of you in order to cover up your joint wrongdoing. It was not led by Teez's credo as were the other offences. This would ordinarily result in a sentence in your case, Teez, of 5 years and in your case, Naiyhahmi, 4 years.

30. However, my next task is to apply the Sentencing Council Guideline on Totality. To do that, I add together all of the terms I intend to run consecutively to each other and consider whether, without further adjustment, the total term properly reflects your total criminality. I take the view that some downwards adjustment is necessary to ensure that the sentence is not disproportionate but that it need not be a large reduction. That is because this is prolonged and serious offending which had tragic consequences for two children and which you tried to cover up. I do not consider it appropriate to reduce the sentences I have indicated are proper for the offending against your children but I will in each case reduce the sentence on count 4 by 30 months. Therefore in your case, Teez, the sentence on you on count 4 will be one of 2 ½ years and your total term will be 24 ½ years. In your case, Naiyhahmi, the sentence on count 4 will be 18 months and the total sentence will be 19 ½ years.

31. You will each serve half of that sentence. You will then be released on licence. There will be conditions attached to that licence which, should you breach them, will result in your being returned to custody to serve what remains of the sentence. The time you have spent on remand will automatically count towards your sentence. In addition half of the period of time you have spent on bail and subject to a qualifying curfew will count towards those sentences. In your case, Teez, I certify that to be 233 days; in your case, Naiyhahmi, 331 days.

32. You will also be banned from working with children or vulnerable adults in the future.

33. The surcharge will be added to the order in the usual amount.

34. Please stand. Tai-Zamarah Yasharahyalah, I sentence you on count 1 to a term of 10 Years' imprisonment. On count 3 to a consecutive term of 12 years. On count 2 to a concurrent term of 9 years. On count 4 to a consecutive term of 30 months. The total sentence is one of 24 years 6 months.

35. Naiyhahmi Yasharahyalah, I sentence you on count 1 to a term of 8 years' imprisonment. On count 3 to a consecutive term of 10 years. On count 2 to a concurrent term of 7 years. On count 4 to a consecutive term of 18 months. The total sentence is one of 19 years 6 months.
36. You can take them down.
37. Before leaving the case I should like to commend the officers who were involved in the investigation of these offences. In particular, I commend DS Tulley, the officer in the case, for leading this difficult investigation. I should also like to single out for mention PC Thomas who went to the caravan on 2 December and led the way in persuading Nayahmi to accompany her son to hospital. Having seen the body worn footage from that day it is obvious that she handled a most difficult situation with tact, patience and, when it became necessary, appropriate firmness. It was a fine example of how to deal with the sort of situation in which she unexpectedly found herself.
38. Finally, I am, as ever, indebted to the bar for the way in which this case has been conducted. Your conduct of the case made it easier for the jury to focus on the issues that really matter and enabled the trial to proceed without being distracted by the distressing background against which it was set. Thank you.