



JUDICIARY OF
ENGLAND AND WALES

THE HONOURABLE MR JUSTICE MURRAY

In the Central Criminal Court

R v Kyle KITCHEN – Sentencing Remarks

2 April 2025

1. Kyle Kitchen, on 12 March of this year, you were convicted by a jury at this court of the murder of your daughter, Primrose Kane. It falls to me today to sentence you for that crime.
2. Primrose Kane was born on 6 September 2014. You and her mother, Kenzey Kane, had been in a relationship for just over a year when Kenzey became pregnant with Primrose. Her birth was normal. She was a healthy baby, who developed normally during her first weeks of life. At this time, you, Kenzey, and Primrose lived in a small flat in a large block in Camden.
3. On 29 September, when Primrose was only three weeks old, you were arrested and cautioned by the police for a common assault on Kenzey, during which you had slapped Kenzey about the face at least twice while she was holding Primrose. That was not the first time you had hit Kenzey, as you admitted during the trial. It appears that there was at least one other occasion. It also appears that she hit you on at least one occasion. It was clearly a volatile relationship. During the trial, you described it as “toxic”.
4. Early on the morning of 3 November 2014, you and Kenzey found that your 8-week-old baby was so unwell that Kenzey rang the NHS Direct 111 telephone number. The time was 5.54 am. You began attempting to give Primrose mouth-to-mouth resuscitation and then cardio-pulmonary resuscitation (CPR).
5. The NHS 111 operator speaking to Kenzey immediately realised the seriousness of your baby’s state and dispatched an ambulance to your address in Camden, the first paramedic arriving just three minutes after Kenzey had rung NHS 111. A second paramedic arrived one minute later. He took over giving Primrose CPR. At 6.03 am an ambulance arrived.
6. The paramedics found that Primrose was not breathing and put in place a supraglottic airway. They found that she was cyanosed, meaning she had turned a blue-purple colour, and they found that she was floppy. They could find no pulse until defibrillator pads were applied, at which point they found that she had a pulse of about 60 beats per minute, substantially less than half of what it should have been. They assessed Primrose as having the lowest possible Glasgow Coma Score, namely, 3/15, meaning that she was totally unresponsive.

They moved her to the ambulance, and at 6.08 am the ambulance left, taking her to the Accident and Emergency Department at the Royal Free Hospital (RFH), where she was handed over to the paediatric team.

7. At the RFH, various tests and scans were performed, including a CT scan. The attending consultant paediatrician concluded that Primrose required specialist paediatric intensive care and arranged for Primrose to be transported by the Children's Acute Transport Service to Great Ormond Street Hospital that same morning, where she was taken into the Paediatric Intensive Care Unit and further tests and examinations were conducted, including an MRI scan.
8. These various investigations showed that Primrose had suffered a linear undisplaced fracture to the left parietal bone in her skull, with overlying scalp swelling indicating that there had been a traumatic impact to that side of her head. The scans also revealed extensive bleeding across both halves of Primrose's brain under the dura membrane, generalised brain swelling, and excess fluid (oedema) in the substance of the brain. The clinicians also found extensive bleeding in both of Primrose's eyes at the pre-retinal, intra-retinal, and sub-retinal layers. A further scan taken a few days after Primrose was first admitted to hospital showed that she had also suffered serious hypoxic-ischaemic injury to her brain and brain shrinkage, resulting in serious and permanent brain damage.
9. As would be normal in such circumstances, you and Kenzey were asked by the medical professionals and by the police at the time of Primrose's first admission to hospital whether she had suffered any form of accident that could have explained this constellation of symptoms. Neither of you were able to point to any such event.
10. Your grandparents, Anne and Eddie Kitchen, had spent time with Primrose on Friday, 31 October and then again on Sunday, 2 November 2014, and each of them had observed that Primrose was in good health, feeding properly, and generally fit and well. They noted that she was a bit "grizzly" on the Sunday but there was nothing that concerned them.
11. After that, from early evening on Sunday until the paramedics arrived just before 6.00 am on Monday morning, Primrose was solely with you and Kenzey in your studio flat in Camden. So, what had happened that caused her to suffer a skull fracture, extensive bleeding on the brain and in her eyes, and a catastrophic brain injury?
12. Unless and until you acknowledge what you did to your daughter, we will never know precisely when or in what way you assaulted Primrose. But there are some things about which we can be sure. On or about 2 November 2014, Primrose suffered some form of deliberate abusive head trauma, involving traumatic impact to her head as well as some form of shaking, causing extensive subdural and retinal bleeding and hypoxic-ischaemic injury to her brain with severe consequences for the remainder of her life.

13. In July and August 2016, you were tried by a jury at Blackfriars Crown Court of two counts of causing grievous bodily harm to Primrose with intent to cause her grievous bodily harm.
14. Although all of Primrose's injuries could have occurred during a single assault on her and there was no evidence to suggest that there had been more than one, the indictment against you in 2016 had been split into two counts, one alleging that you had caused the fracture to Primrose's skull and the other alleging that you had caused the injuries to Primrose's brain by shaking her. The indictment was framed in this way so that the Blackfriars jury could indicate the factual basis on which they convicted you.
15. The Blackfriars jury convicted you on each count, meaning that they were sure that you had both fractured Primrose's skull and caused her brain injury by shaking her.
16. At the same trial in 2016, Kenzey Kane was tried for and convicted of two offences against Primrose, namely, causing or allowing serious physical harm to a child relating to her failure to protect Primrose from the significant risk of serious physical harm that she knew you posed to Primrose and child cruelty due to her delay in obtaining medical help for Primrose once she had realised that Primrose was seriously ill in the early hours of 3 November 2014.
17. Primrose remained in hospital for over six weeks before she was discharged on 16 December 2014 into the care of her maternal grandmother, Maria Kane. Although Primrose had survived the assault, she suffered, as a result of the injuries she had received, complex and profound neuro-disability for the remainder of her life. A large multi-disciplinary team of health care professionals was needed to manage her condition. She had numerous neuro-developmental and physical problems which increased over time, including severe cognitive delay, four limb cerebral palsy, severe neuro-developmental delay, inability to communicate verbally, progressive scoliosis and orthopaedic deformities, including windswept deformity, drug-resistant epilepsy, feeding and swallowing difficulties rendering her dependent on gastrostomy feeding, multiple groin sores requiring treatment by plastic surgeons, chronic pain, visual impairment, microcephaly, and bilateral hip dislocation.
18. Primrose remained throughout the remainder of her life in the care of Maria Kane, supported by a team of carers. Primrose was admitted to hospital on multiple occasions with breathing difficulties, uncontrolled epilepsy, feeding difficulties, pressure sores, and hip and spinal problems. Her quality of life was very low, so low, in fact, that in 2016 her condition had deteriorated to the point that a do-not-resuscitate order was implemented. She was always at risk of dying suddenly due to uncontrolled epilepsy or complication from her very significant breathing difficulties. Primrose passed away in the early hours of 17 May 2021. She was then a little over 6 years and 8 months old.

19. The consultant forensic pathologist who conducted a post-mortem examination of Primrose's body concluded that she died of aspiration pneumonia that had been caused by her profound neurological, postural, and developmental disability that had been caused by the traumatic head injury she had suffered when she was 8 weeks old.
20. Apart from your convictions for your offences against Primrose, you have no convictions for offences of violence. In May 2008 you were convicted of four offences of burglary of a dwelling and one offence of attempted burglary, in January 2009 you were convicted of one offence of attempted burglary of a dwelling, and in February 2016 you were convicted of three offences of theft from a motor vehicle. You have some other convictions for other offences such as failing to surrender to custody when required, possession of cannabis, and breach of a suspended sentence order. You also have the police caution to which I have already referred.
21. You were 28 years old at the time of your assault on Primrose in November 2014. You were 34 years old when she died on 17 May 2021. You are 38 years old now.
22. Following your conviction in 2016 for your assault on Primrose, you were sentenced to 18 years' imprisonment. This was later reduced by the Court of Appeal to 15 years' imprisonment. Under the release provisions then in effect, you were released from custody on 12 June 2023. Upon release, you were immediately arrested for the murder of Primrose, cautioned and remanded in custody, where you have remained.
23. The sentence for murder fixed by law is imprisonment for life. I must now set the minimum term that you will serve before the Parole Board can consider you for release.
24. You and everyone else in court should understand three things about that minimum term. First, you must serve every day of it before the Parole Board can even consider releasing you. Secondly, even then the Parole Board will only release you if it is satisfied that it is safe and appropriate to do so. Otherwise, you will remain in custody for the rest of your life. Thirdly, if you are ever released from custody, you will remain subject to the life sentence for the remainder of your life, which means that, if necessary, you can be returned to custody at any time.
25. I have considered the provisions of Schedule 21 of the Sentencing Act 2020, which governs the determination of the minimum term in custody for the mandatory life sentence for murder. On the facts of this case, the starting point for determining the minimum term is 15 years.
26. In sentencing you, I also have regard to the decisions of the Court of Appeal in *R v Shane Wright*¹ and *R v Paul Craig*², each of which, like this case, involved an

¹ [2022] EWCA Crim 86.

² [2023] EWCA Crim 893, [2024] 1 Cr App R (S) 7.

assault occasioning grievous bodily harm, followed by the death of the victim a number of years later as a result of the injuries received during the assault.

27. There are three significant aggravating factors in this case that require a substantial upward adjustment from the starting point. These are that:
 - a. Primrose was particularly vulnerable, being only 8 weeks old at the time of the assault;
 - b. the assault was an abuse of your position of trust as Primrose's father; and
 - c. Primrose lived for more than six years with profound disabilities that gave her a very low quality of life and caused her great suffering, as well as the burden and pain for those who loved and cared for her, in particular, Maria Kane.
28. Although there is evidence of a background of domestic violence between you and Kenzey, there is no evidence, apart from the assault itself, that any of this was directed at Primrose. You had a volatile relationship with Kenzey, but there is no evidence of substance that it was a coercive or controlling relationship, and there is limited evidence of violence, some of which was directed by Kenzey towards you. So, while I bear this background in mind, I do not give it particular weight as an aggravating factor. I do, however, bear in mind the police caution you received.
29. Although you had prior convictions at the time of your assault on Primrose, none of these were for violence, and these convictions are therefore not a significant aggravating factor.
30. I bear in mind that, although you have never expressed any remorse or accepted responsibility for Primrose's injuries or death, the absence of remorse is not an aggravating factor. It merely means that you have shown no remorse that would otherwise be capable of mitigating your offence.
31. The significant aggravating factors that do apply in this case require an upward adjustment from the starting point from 15 to 22 years.
32. Turning to mitigating factors, I note first that there is nothing in this case to suggest that you intended to kill Primrose. There was, to the contrary, evidence during the trial that for the most part you were a loving father who wanted to be involved in Primrose's care. The evidence of your grandfather, Eddie Kitchen, read to the jury during the trial, was that you seemed to him and to your grandmother, Anne, to be a caring and attentive father.
33. The evidence during the trial also showed, however, that in 2014 you had serious difficulty managing your anger, as evidenced by the matter for which you received the police caution.

34. I am sure that the incident in which you shook Primrose and caused her skull fracture occurred suddenly and without premeditation in a moment of anger and frustration. The incident was unlikely to have lasted more than a few seconds. Disastrously, however, those few seconds led to Primrose's catastrophic injuries at the age of eight weeks, led to her suffering years of extreme disability in chronic pain with a very low quality of life, and led ultimately to her death at the age of six years and eight months.
35. I sentence you, therefore, on the basis that you intended to cause really serious harm to Primrose when you shook her and caused her skull fracture rather than that you intended to kill her. I also sentence on the basis that the assault was a single incident, occurred without premeditation, and lasted a matter of seconds. The evidence is consistent with this. There is no evidence of more than one incident, no evidence to suggest premeditation, and no evidence to suggest a sustained or prolonged assault of even as much as a minute or more.
36. In terms of your personal mitigation, I have carefully considered the documents that have been provided to me this morning, including a thoughtful and eloquent letter from you addressed to me, evidence of a very recent tentative diagnosis of ADHD with possible autistic traits, and much evidence of the positive ways you have spent your time in prison since 2016, including acting as a trained listener for other prisoners under the auspices of the Samaritans, providing literacy training to other prisoners, and earning qualifications in food safety and in mathematics. I also bear in mind that you suffer from depression for which you take medication and that you suffer chronic pain due to an arthritic condition exacerbated by a slipped or herniated disc. This makes the experience of custody even more difficult than it would be if you did not suffer this condition. I take account of what I have been told by Ms Bickerstaff regarding your excellent disciplinary record and good conduct in prison, which is consistent with your being permitted to act as a listener and to provide literacy training to others. I have read the statement dated 25 March 2025 of Primrose's carer, Marilyn Imbert. I accept what Ms Bickerstaff has said about your genuine love for your daughter Primrose and how living with what happened to her will be part of your punishment for the remainder of your life.
37. Taking account of all of this mitigation, I reduce the minimum term of 22 years that would apply after upward adjustment for the significant aggravating factors to a minimum terms of 17 years to reflect the mitigation that I have just summarised.
38. I now turn to consider what deductions from that minimum term should be made to reflect:
- a. the period of time you spent on remand in custody prior to your trial in 2016;
 - b. the period of time you spent in custody serving your sentence for your conviction in 2016; and

- c. the period of time you have subsequently spent on remand in custody since you were arrested for the murder of Primrose following her death.

- 39. I understand that you spent 248 days on remand in custody prior to your trial in 2016. I understand that you spent 6 years, 9 months, and 26 days in custody serving your sentence following your conviction in 2016. This total period is one of 7 years and 6 months. I take the view that this is an exceptional case where justice requires that you be credited with all of the time that you spent in custody on remand and then serving the sentence imposed on you for causing grievous bodily harm to Primrose.
- 40. Since your arrest and remand in custody for the murder of Primrose, I understand that you have served a further 657 days on remand in custody. The minimum term will be further reduced to reflect this.
- 41. The total period to be deducted from the minimum term is therefore 9 years, 3 months, and 18 days.
- 42. The statutory surcharge applies to this sentence.
- 43. Kyle Kitchen, please stand up.
- 44. For the murder of Primrose Kane, I sentence you to life imprisonment with a minimum term to serve of 17 years less nine years, three months, and 18 days.
- 45. This means that the minimum term you must serve under your life sentence is 7 years, 8 months, and 12 days before you can be considered for release by the Parole Board.
- 46. You may go down.