



# **Judiciary of England and Wales**

**REX**

**v**

**MELISSA WILBAND**

**Sentencing Remarks of the Honourable Mr Justice Saini**

**At Bristol Crown Court**

**On Monday 21 July 2025**

1. Melissa Wilband on 2 April 2025, here at Bristol Crown Court, a jury found you guilty of the manslaughter of your daughter Lexi. It now falls to me to sentence you. What I say in these sentencing remarks, and my findings, are based on the evidence before the jury. I am sure of the findings I make based on that evidence. You will receive a written record of my sentencing remarks later today. The sentencing has been delayed until today because on the recommendation of the Probation Service in their Pre-Sentence Report I directed that a psychological assessment report be obtained. A Psychologist's Report from Ms Indira Josling was provided to me last week. In sentencing you, I will take into account both the Pre-Sentence Report and this recent Psychologist's Report based on many hours of interviews and detailed assessments. I have also taken into account the well-focused submissions of Counsel for the Crown Ms Osborne KC and those of Mr Aubrey KC who represented you at the trial with his customary skill and moderation. They have drawn to my attention the relevant sentencing guidelines on unlawful act manslaughter. I have also given specific consideration to the

guideline on sentencing offenders with mental disorders, developmental disorders or neurological impairments, given what was said in the Psychology Report. I have also considered the guideline on sentencing children and young adults in relation to developmental maturity. I turn to the facts.

2. Lexi was about 4 months old when she died. She was a healthy baby. We did not see any pictures of Lexi during the trial but it is important that we recognise that this trial is about her life being taken and I have now seen a picture of this delightful and smiley girl. This was provided to me at my request. Lexi was born on the 30 November 2019 by routine delivery. Her father, Zak Piper, did not feature in her life and he was unaware that Lexi was his child until after her birth. Lexi was instead brought up by you and your boyfriend Jack Wheeler. During your pregnancy with Lexi, Jack Wheeler was informed by you that the baby was his. He became aware after her birth that Lexi was not his child, despite your attempt to mislead him by creating a fake paternity test. Jack was also charged with the manslaughter of Lexi, or alternatively with causing or allowing her death, but was acquitted by the jury.

3. You killed Lexi by violently shaking her on the evening of Easter Sunday 12 April 2020 in the family home at 17 Mantley Grove in Newent. You shared that home with Lexi, her 2 year old brother Logan, and Jack Wheeler. Lexi was killed by you when the country was in the first national Covid *lockdown*. After the evening meal, in the bathroom while you were bathing the two children, and at a time when Jack Wheeler was in another part of the house, you shook Lexi. Immediately after this she went *floppy*.

4. I turn to how Lexi died. Your extreme shaking of Lexi that evening led to severe bleeding in her brain. She was of an age where she could not support her neck when you shook her with some force. These violent actions carried with them a risk of at least very serious injury. The CT and MRI scans taken while Lexi was alive revealed that there were bilateral

areas of subdural haemorrhage within Lexi's brain, and there was also hypoxic-ischaemic damage and focal white matter damage. Both within the areas of acute (recent) subdural bleeding in Lexi's brain and in other areas, there were membranes that were indicative of previous subdural haemorrhage. I am satisfied on the evidence that Lexi had been shaken you in a similar but less violent manner before that Easter Sunday.

5. Soon after the shaking, Lexi collapsed. Lexi was given excellent medical care at Gloucester Royal Hospital, and then at Bristol Children's Hospital. But her brain damage was severe. On 18 April 2020, Lexi stopped breathing and passed away as a result of her brain injuries.

6. You were aged 23 when you killed Lexi. You are now 28 years of age. I heard some of your personal history when you gave evidence and I have learned more about your personal life from the detailed pre-sentence report and the Psychology Report, to which I have already made reference. The Psychology Report refers to (and I quote) your "autism spectrum condition and ADHD condition together with your mental health vulnerabilities". However, I am not persuaded that anything in the reports can explain your violence to Lexi. Why you shook Lexi will only be known to you. You were otherwise a loving mother although you had a chaotic personal lifestyle which included cocaine use, and a volatile relationship with Jack Wheeler. You were both regular cocaine users. As I have said, the evidence at trial showed that the fatal shaking of Lexi that Easter Sunday was not the first time you abused her in this way. The historic pattern of bleeding was, I find, the result of an earlier incident or incidents where you shook Lexi. It is not possible to date the earlier incident(s) but they were in the weeks before you shook Lexi on 12 April 2020. It is hard to imagine the pain which Lexi must have suffered as a result of both this historic violence and the violent shaking which led to her death. The medical expert evidence was clear as to the highly distressing effect these acts would have had on Lexi and that she would have felt extreme pain and cried out in anguish.

Although you suffered bullying at school, you felt that you did not belong, and were the victim of an abusive relationship with a partner earlier in your life, the evidence at trial suggested to me that you come from a loving family. You had a highly supportive mother and father. In their eyes you could do nothing wrong but sadly you also manipulated them on occasions. You were also close to your grandmother who became seriously ill during the trial. The evidence was that your family, particularly your father, was a real source of both emotional and financial support to you and your young family. I say this because there is little in your personal background which helps me to understand why you committed the act which led to Lexi's death, or inflicted the earlier shaking injury suffered by Lexi. I say that having read with care the Psychology Report. Unlike many defendants who come before the courts you had a loving family environment.

7. There is a sentencing guideline which I must apply in deciding your sentence. The guideline sets out various steps I must go through in deciding on the just sentence. I have to consider culpability and then aggravating and mitigating factors.

8. So, Step 1 is for me to determine your level of culpability. My finding on the evidence at trial, and in particular my conclusion as to what I am sure you did to Lexi, is that you fall within culpability level B. My finding is that Lexi's death was caused in the course of an unlawful act which carried a high risk of death or GBH which was or ought to have been obvious to you. It is obvious that, in carrying out a forceful and repetitive shaking to a 4-month-old baby, there was a high risk of death which was clear to you. Indeed, at trial you accepted you were aware of the risks of shaking a baby, and the unchallenged expert evidence was that the force needed to cause such injuries would be far in excess of that exerted through normal handling. You would have been aware that excessive force had been applied. In coming to this conclusion in relation to culpability I have paid specific regard to what the Psychologist's Report says about your emotional and mental health at the time and the potential relevance of

your neurodiversity. Reference is made to a number of previously undiagnosed conditions. Mr Aubrey KC placed particular reliance on these matters in arguing that I should not find you were aware there was a high risk of death or GBH to Lexi. He says your acts were reckless and emphasised what was said in the report about your ability to make decisions in the neurodivergent context. I do not accept that having considered the report in some detail – it does not change my conclusions on culpability. I have also had the opportunity to see you give evidence and I approach what you said to the psychologist and her conclusions with some caution given you still deny killing Lexi. This report is based in part on an account of events which the jury has rejected. As I will describe in a few moments the report remains relevant however in mitigation.

9. The next step is Step 2, which specifies that the starting point for your sentence based on level B culpability is 12 years' custody, with a range of between 8-16 years' custody. In deciding where your case falls I must first consider aggravating factors.

10. Counsel are agreed that there are no statutory aggravating factors. There are however a number of other aggravating factors. There are five factors and I will now describe each of them. First, I am sure there was a **history of violence towards the Lexi** as proven by the pathological evidence of an historic brain injury (that is, chronic bleeding and atrophy) caused by a similar, but less severe, shaking episode. Second, there was **significant physical suffering caused to Lexi** - your assault did not cause immediate death. As the evidence of Dr Robinson set out, Lexi would have screamed out in pain and experienced mosaic effects due to the development of brain injuries in her head. She subsequently suffered in hospital for six days before life support was removed and she died. Third, Lexi was **particularly vulnerable due to her age** - on the day the fatal injuries were caused she was 4 months and 15 days old. Fourth, your killing of Lexi was I find **committed in the presence of children**. I find the only opportunity for you to have shaken Lexi without incurring the intervention of Jack was whilst

you were bathing both Lexi and Logan. Logan would, therefore, have been present and witnessed his mother violently shaking his half-sister. I accept however that given Logan's own age of about 2 years he may not have appreciated what you were doing to Lexi so I do not give this matter significant weight as aggravation. Fifth, you sought to **wrongly blame Jack** for Lexi's death. In your third interview (on 22nd April 2020), you explicitly alleged that Jack had "killed your fucking child". Subsequently denying the offence at trial, the practical effect of your evidence was, again, to shift the blame onto Jack.

11. These aggravating matters have to be considered in combination - in my judgment they take this case to the top of the range of Culpability B. There was persuasive force in the argument by Ms Osborne KC. that the facts could potentially justify going above that and into Category A, but I am satisfied that the top of the Culpability B range is correct in reflecting your degree of culpability.

12. I turn to the factors which reduce seriousness and mitigation. Mr Aubrey KC has made powerful submissions on your behalf. I have taken into account the points he made. I note that you were otherwise a loving mother and although your personal lifestyle was somewhat chaotic, the health care professionals who visited you from time to time in your various homes had no concerns about the safety or wellbeing of Lexi and her older brother. You have no previous convictions, this was not a premeditated offence, and you were relatively young and emotionally developing. You were also, I accept, immature at the time of the offending and were facing the isolation from family during the pandemic. Mr Aubrey KC has relied on the delay of 5 years in these proceedings but I accept Ms Osborne KC's submission that the delays were in large part caused by the family court proceedings and the need for specialist medical evidence in relation to the cause of Lexi's death. I accept the delay will have had an impact on your mental health. I have also taken into account in your favour the personal challenges and

mental health aspects referred to in the Psychology Report as mitigation. A custodial sentence of any length is going to be particularly tough for you.

13. Step 3 is for me to decide on your sentence. This is not a mathematical exercise. I have to stand back and balance all the matters which have been drawn to my attention by Ms Osborne KC and Mr Aubrey KC. Having done that exercise, I sentence you to 15 years' imprisonment. An extended sentence is not appropriate.

14. You will serve two thirds of this sentence in custody. You will serve the remainder on licence. You must keep to the terms of your licence and commit no further offence or you will be liable to be recalled and you may then serve the rest of your sentence in custody.

15. The surcharge will apply.

16. I consider it appropriate to commend those involved in investigating and prosecuting this case and finally turn to that issue.