

**IN THE CROWN COURT SITTING AT CARDIFF.**

**REX**

**v**

**EGLE ZILINSKAITE**

**OFFENCES**

1/1/17 to 26/11/22

1. Preventing lawful burial of Baby A. [common law]
2. Endeavouring to conceal the birth of Baby A. [s60 OAPA 1861]
3. Preventing lawful burial of Baby B. [common law]
4. Endeavouring to conceal the birth of Baby B. [s60 OAPA 1861]

**SUMMARY OF THE FACTS.**

On 26<sup>th</sup> November 2022, following your arrest for an unrelated matter, police searched your then home address at 245 Maes Y Felin, Wildmill, Bridgend.

The officer searching the office upstairs noticed a foul smell. Another officer searching one of the bedrooms noticed a strange smell there. Other officers also noticed a foul smell in the upstairs of the property. When an officer opened the hatch to the attic, the smell became worse. That officer saw a bundle of bed sheets and when he moved them, he noticed that there was something inside them. He removed the bundle from the attic and the smell in the house became more

noticeable. An officer then looked inside the bundle of sheets and found a tightly tied bin bag. That contained more bags inside one another which the officer opened until she discovered the decomposing remains of a small baby. CSI were called to the address to conducted a detailed search. CSI officers searched the airing cupboard and noticed a strong smell. They found the remains of another baby, similarly wrapped to the first. A post mortem examination revealed that both babies were male; both could be considered to be term babies; that it was not possible to determine the cause of death; and that on the basis of presence of the placenta, placental membranes, and umbilical cord, it was not unreasonable to conclude that concealment of both babies had occurred at or around the time of birth. Further scientific testing revealed that the babies were siblings and that you and your partner Mr Ledovskis were the parents of both babies. Your DNA was found on string from one of the black bin bags in which the second baby was found.

You have pleaded G on a basis which is accepted by the Prosecution.

**BASIS OF PLEA:**

1. The defendant fell pregnant with baby A in December 2018 and gave birth around August 2019 this was a still birth at home at the Standard View address.
2. In June 2021 the defendant moved into Maes y Felin in Bridgend. She had removed baby A from the previous address to this address.
3. At the time the defendant moved to Maes y Felin she was 6 months or so pregnant and gave birth to baby B in September 2021 at this address. This baby was also still born.
4. The reason the defendant gave birth to both baby A and B at two home addresses was due to a fundamental mistrust of the authorities both in the United Kingdom and from her experiences in Lithuania.

You have a history of denying that you were pregnant when challenged by health workers and of not making any contact with the authorities during your pregnancies until you were just about to give birth.

You made no comment about these offences when interviewed by the police.

#### THE DEFENDANT'S CHARACTER.

You were born on 29/9/93 and you are now 31 years old. At the time of these offences, you were 23 to 29 years old. You are of previous good character.

## SENTENCING GUIDELINES

I have taken into account the Sentencing Guideline on the Imposition of Community and Custodial sentences. I have also considered those factors which I must take into account when deciding whether or not a custodial sentence should be suspended.

Applying the Sentencing Guideline on Reduction in Sentence for a Guilty Plea, on the Better Case Management form it was stated that you would be likely to plead guilty subject to capacity being established. I bear in mind that it is not possible for a firm indication of a guilty plea to be given when capacity is in issue. You pleaded guilty as soon as reasonably possible after the psychiatrist had reported that you were fit to plead. Therefore, you are entitled to the full one third credit.

Turning to the Sentencing Guideline on Totality, one of the examples given for when concurrent sentences are appropriate is where there is a series of offences of the same or similar kind but the guideline also states that consecutive sentences would be appropriate for offences of the same or similar kind where the overall criminality would not sufficiently be reflected by concurrent sentences. These are obviously offences of the same or similar kind and, given that the maximum penalty for the common law offences, concurrent sentences will be able sufficiently to reflect the overall criminality. Therefore, I will pass concurrent sentences on all counts and the sentence on Count 3 will reflect the overall offending.

There are no offence specific sentencing guidelines for these offences so I will apply the General Guideline on Overarching Principles.

Preventing lawful burial is a common law offence and there are no statutory restrictions on the maximum sentence. None of the authorities that I have researched and none of the authorities uploaded by counsel are of particular assistance as none are factually similar to this case. However, they do assist with the factors to be taken into account on sentence, particularly R v Russell [2023] EWCA Crim 1080 [2024] 1 Cr. App. R. (S.) 17. This is a serious offence and usually requires a custodial sentence. Generally, the harm caused by this offence involves the indignity and degradation caused to the deceased, the misery caused to the deceased's family and friends resulting from anxiety whilst the person is missing, together with their subsequent knowledge of the degrading circumstances following death, and the impact on the ability to have a decent funeral and burial, there may be risks to health, and it may prevent an appropriate and timely investigation into the circumstances and cause of death. Where the crime has been committed with the intention of preventing an investigation into the cause of an unnatural death, the offence will fall at the more serious end of the scale. Where there is no such intention, but the body has been deliberately concealed and the police misled, sentences of about three years will be appropriate to mark the gravity of the offending before considering other aggravating and mitigating factors. Other relevant factors relating to the offending will include the length of time for which the body remains undiscovered; conduct which assists or delays the discovery of the body; and the impact on the deceased's friends and family.

Bearing all that in mind, I assess your culpability in this case as high. You made a deliberate decision not to seek any form of assistance or support from the authorities and not to notify them of the pregnancies and births because you are aware that the authorities could and would remove your children if necessary. In coming to that decision, I have taken your mental health at the time into account, applying the SG on Sentencing Offenders with Mental Disorders, but that does

not carry sufficient weight compared to the other factors to reduce your culpability. Your mental health will be taken into account at a later stage. I also assess the harm as high because of the indignity and degradation caused to the deceased, and significantly your actions prevented an appropriate and timely investigation into the circumstances and cause of death, although this is not a case where the police were misled. Although obviously in this case there is no family left wondering what had happened and the risks to health were risks to your health following the births, those features do not reduce the level of harm for the purposes of categorisation although it will be taken into account later as a factor reducing seriousness.

The maximum sentence for endeavouring to conceal the birth of a child is 2 years imprisonment. There are no authorities to assist with principles of sentencing, and the only authority available is *R v English (1968) 52 Cr. App. R. 119, CA* which is factually dissimilar.

Applying the overarching Sentencing Guidelines on General Principles, I again assess your culpability as high, again because this was a deliberate decision by you to conceal the births. I also assess the harm as high because your actions prevented an appropriate and timely investigation into the circumstances and cause of death.

Overall, your offending involved two stillbirths and the sentences on Counts 3 and 4 will be uplifted to reflect the fact that this was the second time that you committed those offences. There are no other aggravating features. In mitigation and reducing the seriousness of the offending, you have no previous convictions; you had mental health issues at the time; there are no risks to the health of others,

and there were no other family members of the deceased who were affected by your offending; there has been some delay which was not your fault and which was because your then Co-Defendant pleaded not guilty, although eventually the Prosecution offered no evidence against him.

I have read and taken into account your psychiatric report, the Pre-Sentence Report, the references uploaded to the digital case system, Mr Roberts' sentencing note and his eloquent mitigation today which, as always, was realistic and helpful.

### SENTENCE

This offending clearly crosses the custodial threshold. I will deal with the length of the sentence first and will then decide if the sentence could or should be suspended.

1. Preventing lawful burial of Baby A. [common law]

After trial, 2 years, imprisonment, less 1/3 discount for the guilty plea, 1y 4m imprisonment.

2. Endeavouring to conceal the birth of Baby A. [s60 OAPA 1861]

After trial, 12 months imprisonment, less 1/3 discount for the guilty plea, 8mths imprisonment concurrent.

3. Preventing lawful burial of Baby B. [common law]

After trial to reflect overall offending, 3yrs imprisonment, less 1/3 discount for the guilty plea, 2 yrs imprisonment concurrent.

4. Endeavouring to conceal the birth of Baby B. [s60 OAPA 1861]

After trial, 1y 3 months imprisonment, less 1/3, 1 yr imprisonment concurrent.

Total: 2yrs imprisonment.

That is a sentence that can be suspended.

There are factors in the Imposition SG that must be taken into account when deciding whether or not a Suspended Sentence Order would be appropriate. Not all factors carry equal weight.

You are not a risk or a danger to the public; obviously you have no history of poor compliance with court orders as you are of previous good character; there is a realistic prospect of rehabilitation; there is strong personal mitigation; and immediate custody will not result in significant harmful impact on others. Realistically I have to decide if appropriate punishment can only be achieved by an immediate custodial sentence. In considering whether to suspend the sentence, I also bear in mind that, while you have committed serious offences, the deaths of your children were not your fault and you have suffered the loss of two children at birth.

Taking all of that into account, it is appropriate to suspend the sentence of 2 years imprisonment for 2 years with the following requirements: Rehabilitation Activity Requirement for 15 days and an Unpaid Work Requirement for 200 hours.

If you commit any offence in next 2 years or fail to comply with the requirements of the order or the directions of Probation Service, you will be in breach of this SSO and you will be returned to court when sentence will be activated unless unjust to do so.

SURCHARGE/COLLECTION ORDER.

If the statutory surcharge applies, the order can be drawn up in the appropriate amount and any error can be corrected administratively, as can any error in the collection order that I also make. Payment within 3 months.

H.H.J. Lloyd-Clarke  
The Recorder of Cardiff.

10<sup>th</sup> July 2025.