

THE KING versus MICHAEL IVES, KERRY IVES and SHANNON IVES
SENTENCING REMARKS OF MR JUSTICE GRIFFITHS
MOLD CROWN COURT 3 OCTOBER 2025

The Defendants may sit, until I tell them to stand.

1. Ethan Ives Griffiths

Ethan Ives Griffiths was a two-year old with an independent spirit. His mother and his grandparents hit him but when they did he was defiant, and even laughed, even though he was only a toddler. He was a brave and resilient boy with a strong character. He already had qualities which could in an adult make for greatness.

But the people hitting him didn't like the little boy standing up for himself. They decided to break him.

After a horrifying escalation of cruelty and violence over a couple of months, he was murdered. All the hopes and promise of the life he should have had were taken from him. You, his grandparents, Michael and Kerry Ives, murdered him. And you, his mother, Shannon Ives, allowed that death. For those terrible crimes against your own flesh and blood, I now pass sentences. I also sentence all three of you for cruelty to Ethan in the two months before he was killed.

2. The facts

Michael and Kerry Ives were experienced in bringing up children. They had 9 of their own, aged between 9 and 24, when they murdered Ethan. Shannon was their oldest and, at the age of 24, she had 4 children herself. Her oldest was 5, and her youngest was a baby. Her son Ethan was 2 years 3 months old when he was killed.

Shannon knew that her parents were capable of physically abusing children because that had been her experience of them when she was growing up.

She also knew from years of experience as a teenager and young adult that social services **were** on hand to support her when she could not cope, and when she was the victim of domestic violence, and they could get safe housing for her and her children when she needed it.

Two months before he was killed, Ethan had a developmental review from a health visitor on 7 June 2021. He was found to have reached all his developmental milestones. He could run confidently, avoid obstacles, jump two feet off the ground, use two or more words to make a simple sentence, use about 50 words in all, play with other children without sharing toys, throw a ball at shoulder height, kick a large ball, and show some rebellious behaviour which was appropriate for his age.

He was a good weight. He was described in evidence as chubby.

Shannon's partner was arrested for aggressive behaviour on 9 June 2021 and banned from the house as condition of bail. Shannon took her three youngest children including Ethan to stay with her sister and on 11 June she moved them to stay with another sister.

In her sister's flat, she was harsh with the children. She didn't let them play with toys or watch television. She made them stand against the wall with their hands on their head. She hit them. She didn't feed them properly.

On 24 June, Ethan was taken into Michael and Kerry's house to make life easier for Shannon and her sister. Shannon knew Ethan was not safe with her parents. She gave evidence that she saw both of them hit Ethan. She didn't tell social services. She covered up what was being done to Ethan. She was complicit in it.

On 6 July, Ethan and his siblings were put on the child protection register, and unsuccessful attempts were made to visit and inspect them at least every 10 days as required by Welsh law.

Shortly before 8 July, Kerry Ives told Shannon's adult sister that Ethan would have to go back

to Shannon “as it’s been three weeks and he’s still the same”. The campaign to break his spirit was not immediately working.

On 8 July, Michael texted that Ethan “needs to learn the hard way”.

By 17 and 18 July 2021, Ethan had injuries to his lip, which Kerry demonstrated to Shannon by sending her photographs. Post mortem his older injuries included a chipped upper tooth and a torn and scarred frenulum between his upper lip and his teeth. The text exchange between Shannon and Kerry agreed that Ethan was “naughty”.

A day or two later, Shannon moved herself and other children into her parents’ house with Ethan. She was happy to let the abuse of Ethan continue. Indeed, she covered up what was happening, as Kerry and Michael did. She spent as much time as she could on her mobile phone. She was more interested in finding new relationships with new men than in alerting social services, or doing anything else to protect Ethan, or to get him to a place of safety.

Ethan was being beaten. He was being starved. And he was being deprived of fluids. When he tried to gobble the food he was given, Michael would physically take it out of his mouth.

Both Kerry and Shannon supported this. They, like Michael, wanted Ethan to learn “the hard way”, although it was Michael who took the lead.

On 22 July, a social worker made what proved to be the last visit when he was able to see Ethan for himself. Shannon had not told him Ethan’s address but he got it from someone else. When the social worker arrived, he saw Ethan in the back garden. He was no longer the confident child he had been. He seemed quite shy. Michael said “He is the quiet one; he does not say anything”. Ethan dropped his head and took a little step back, cowed even by the voice of his grandfather. The social worker offered Shannon help, including help with housing, and he emphasised the need for Ethan and the other children to be seen every 10 days.

On 28 July, a health visitor tried to arrange another visit, but Shannon persistently ignored her texts and calls. On 30 July, Shannon texted the health worker that she was planning to go back to her own house in a few days, which was not true. Eventually, the health visitor made an unannounced visit to Shannon and her children, at Michael and Kerry's house, on 12 August. No-one answered the door to let her in.

With persistent effort, a visit was set up for the next day, 13 August.

In the meantime, the change in Ethan was becoming too terrible to ignore. His body was covered with bruises. His starvation had brought it to a state of emaciation so extreme that seasoned nurses from Alder Hey who saw him as he was dying in hospital that weekend had never seen anything like it, and wept at the memory when they gave their evidence. Ethan's dehydration had reached such a point that he was almost dead from that alone.

Most of the violence had been inflicted behind the closed doors of the home. Michael did most of it, and he did the worst of it. But Kerry was also seen hitting Ethan, by Shannon, and I am sure that Shannon, who was seen hitting him before they moved in, did not stop hitting him indoors from time to time after the move.

Some of the injuries, and some of the effects of the injuries, were caught on CCTV outside the house. On 4 August, Ethan was in the back garden, walking with a peculiar, wide stance, uncertain gait, which showed the early effects of brain injuries caused by unseen previous blows to his head. He was put on a trampoline, but he couldn't keep his balance, let alone jump properly any more. Michael, Shannon and Kerry all watched him from time to time. He had lost weight, and his trousers fell down. Ethan's brother and Shannon jumped so that Ethan flailed helplessly on the trampoline. Then a bigger boy got on the trampoline and made it worse. After three quarters of an hour, Michael took Ethan off by one arm, treating him like a rag doll or a bag of rubbish. Shannon and Kerry had looked on happily. A few minutes later, Ethan was

sent back to the trampoline with his hands on his head, which both Shannon and Michael had taught him to adopt as a gesture of humiliation. This time, Michael turned the garden hose on him and, after that, he successfully persuaded Ethan's 3 year old brother to punch Ethan to the head as he was sitting submissively on the trampoline with his hands on his head, although the older brother seemed reluctant and did not apply much force. Then Michael took Ethan roughly away.

Ethan was kept in the house for over a week after that.

The next day, 5 August, the social worker tried to make another child protection visit. Both Kerry and Shannon stopped him from going inside the house or seeing Ethan, telling him that Ethan was having a nap. That was a lie. Both Kerry and Shannon kept the social worker outside the house for a total of three quarters of an hour, until he finally left. They were determined that social services should not see Ethan and take him away to safety. They were happy to support Michael's violence, neglect and degradation of the little boy they thought of as "naughty". Whilst I accept that they offered less personal violence towards Ethan than Michael did, the starvation and dehydration of Ethan was their responsibility too, because they both could and should have given him the food and drink he was increasingly desperate to have.

The social worker tried to arrange a proper visit but Shannon put him off or ignored him. On 9 August, Shannon lied about being ill, when she was in fact perfectly fit and well, in order to excuse herself from a social services core group meeting about her children. By text, she told one of the health visitors the children were "fine". That was a lie as far as Ethan was concerned.

Ethan was not allowed out of the house until the afternoon of 12 August. By this time, he was in a really awful state, a shadow of the chubby, healthy, happy child he had been. But Michael wasn't satisfied. As he put Ethan into a car seat, he punched him twice to the stomach, causing internal bleeding in two places, mostly around the duodenum. Then Kerry got into the car and they went shopping, not at all bothered by his pain and suffering.

Social services were insisting on a visit to look at the children, either at the house or, failing that, at a family centre. Shannon said that she would go to the family centre with two of her children, but she wouldn't bring Ethan, because (she said) he "isn't well". She did not give them any idea of the appalling injuries, neglect and cruelty already inflicted on Ethan. She gave the impression he was unwell in the ordinary way of a two year old. The visit was fixed for 12 noon the next day.

On the morning of that day, Friday 13 August, Michael Ives subjected Ethan to another violent and brutal assault, including a blow to his head which knocked him clean out for 10 minutes. Kerry was not in the room at the time, but she was in the house, and so was Shannon. They quickly became aware that Michael had punched Ethan into unconsciousness. But they were determined that no outsider should be told. Neither they nor Michael called a doctor or a nurse. They did not take Ethan for a check up at a hospital or a surgery. Shannon called off her 12 noon visit to social services, and she did not suggest they should make the home visit they had originally proposed. She did not tell them what had happened.

There was nothing to stop Ethan being taken to the family centre, or for medical help, because what Michael and Kerry actually did was to take him out of the house for the first time for over a week, put him in the car, and go shopping, while Shannon went out with one of her other children. Even on the CCTV, it is obvious that Ethan now had very advanced brain damage from his injuries. His walking was much worse, and in the supermarket he sat inert on the shopping trolley seat, listless and inattentive.

When Kerry and Michael got back to the house, they had no concerns about this. On the contrary, Michael cruelly mimicked Ethan's brain damaged walk and Kerry and Shannon thought that was funny.

The violence was getting worse: more frequent, and more harsh. And the starvation and dehydration were not being corrected either. Ethan's body weight was now below 10kg, when a normal average would have been 13 kg, and he was as dehydrated as if he had been deprived

of any fluid at all for three days (although it is more likely that he had been kept short of fluids over a longer period).

The signs of the impact on Ethan, which were now unmistakeable, quite apart from the new development of unconsciousness on 13 August, did not give his grandparents Michael, or Kerry, pause. Nor did it cause them concern. They did not like Ethan. They thought he deserved it.

The next day was when he was actually killed.

It was the evening of Saturday 14 August. Michael did it. Kerry was sitting next to him on the sofa and she supported and deliberately encouraged him, as she had throughout. She was his partner in this crime, as she was in his life. Although he was the one who struck the fatal blows, she smiled with approval, as she always had when Ethan was the victim. She was on Michael's side, and he knew that. She intended him to do what he did to Ethan and he knew and was encouraged by that too.

Michael hit Ethan to the head, and he shook him violently. He caused retinal bleeding in his eyes, sub-dural bleeding in his brain and spine, and brain swelling. It was force at the severe end of the spectrum. It was an act which would horrify any independent bystander who watched it. It was something very violent to watch. Kerry was watching. So was Ethan's 3 year old brother, who was in the room with them.

Ethan lost consciousness. At first, Michael and Kerry did nothing. They waited to see if Ethan would come round. He did not. After a few minutes, they called Shannon down from her bedroom upstairs, where she had been on a long phone call with a man she had not previously met. Another ten minutes passed while they made some efforts to bring Ethan round with water and fresh air.

The one thing none of them wanted to do was to call in medical assistance or alert any other public service. They did not care if Ethan was dying, or in danger of dying. They were only worried about what would happen to them if anyone found out.

After this further ten minutes, Kerry texted one of her other adult daughters and video called her.

That daughter took only a matter of seconds to say that they must of course call an ambulance. They were left with no choice but to do that.

The ambulance came, and Ethan at last got prompt and expert medical care. But it was too late. He never recovered consciousness, an emergency operation was unsuccessful, and there was nothing to be done but turn off his life support.

Michael, Kerry and Shannon told lies to the police and to the medics about what had happened to Ethan and their responsibility for it. Michael and Kerry continued even in the witness box to deny that anything had happened to Ethan in the room with them to cause his collapse and eventual death. When foul play was proved by the medical evidence, they tried to blame Shannon, although she had an unshakeable alibi from a documented phone call she was on for three quarters of an hour before her parents called her downstairs. At trial, they no longer suggested Shannon might have done it.

Did Michael Ives intend to kill Ethan on 14 August? And did Kerry Ives intend him to kill Ethan? Or was the intent only to cause really serious injury? I have given this a lot of thought. I have had the benefit of hearing all the evidence in the course of a long trial. I have applied the criminal burden and standard of proof. I am sure that the intention was to kill.

Ethan was being starved and dehydrated to death. His closeness to death was obvious from his starved and emaciated body, not to mention the marks of violence which also covered his body now. None of the defendants can have been in any doubt about how fragile he was. And

yet it was in this fragile state that he was punched to the head and knocked out by Michael Ives on the first occasion, on Friday 13 August 2021.

He didn't die that day. It was Michael Ives hitting him to the head and shaking him the next day as well which finally killed him.

It is inconceivable to me that Michael Ives, and Kerry Ives, did not know that Michael's extremely violent shaking and punching of Ethan on Saturday 14 August would be the death of him. He was only 2 years old. He was visibly close to death by starvation and dehydration. He was exceptionally weak and vulnerable now. They knew that he could not take much more. Michael had already seen Ethan lose consciousness from his blows to the head the previous day, and Kerry knew about that, although she was in her bedroom at the time. They had been warned by this. But Michael and Kerry did not stop, or even pause, his ill-treatment. They still did not feed him. They still did not give him liquids. They still did not take him to a doctor or a nurse or to hospital or a surgery. They still kept social services at bay.

In the room together, on the final Saturday evening, Michael assaulted Ethan more violently than ever before, and Kerry was encouraging him. Both Shannon and, to a lesser extent, Kerry, were of exceptionally low intelligence. But even taking that into account, Kerry could not fail to understand what was happening. The boy was being killed. She knew that, and she intended it. I am sure of it. It was the natural and inevitable consequence of what Michael, with Kerry's support and encouragement, was doing to Ethan on Saturday 14 August 2021, given the state he was already in by that point.

3. The sentences for murder - Michael and Kerry Ives - life imprisonment

There is only one sentence for murder, and that is imprisonment for life.

That is the sentence I will pass on Michael and Kerry Ives.

In addition to passing that life sentence, I will set the minimum term that they must serve before they can even be considered for **release on licence** by the Parole Board. It may be that the Parole Board will decide not to release on licence when they first consider each of these cases. That is why it is called a **minimum** term. If and when either of them is ever released by the Parole Board will be a matter for the Parole Board. They will consider how Michael and Kerry have performed during their sentences and what danger they pose to the public. And if, and when, either or both of them is released by the Parole Board, they will remain subject to licence for the rest of their lives, and may therefore be recalled to continue their life sentence in prison later. It is in these ways that a life sentence protects the public for the future. **The minimum term is not the sentence. The sentence is imprisonment for life.**

The minimum term will be concurrent with my sentences against Michael and Kerry Ives for cruelty to a child. In order to reach a sentence which is just and proportionate to the offending as a whole, as required by the Totality Guideline, I will first consider the sentencing for the other offences as well, so they are taken into account.

4. Sentence for cruelty to a child - Michael Ives

I am sentencing Michael Ives for cruelty to a child as well as murder. This sentence must reflect all his cruelty to Ethan between 8 June and 14 August, as distinct from the final assault and killing at about 9 pm on 14 August which is sentenced separately as the murder.

The maximum sentence at that time was 10 years. I will apply the relevant Sentencing Guideline, which is the Guideline current at the date of sentence today. but I will have regard to the fact that this Guideline creates a range which goes higher than the applicable maximum sentence and I have also been referred to the earlier Guideline.

I will also, for this and all the sentencing against Michael Ives, apply the Overarching Guideline.

Guideline culpability factors in Michael's case are:

- First: Multiple, escalating, painful assaults on Ethan over a prolonged period
- Second: Gratuitously degrading and humiliating treatment of Ethan, including repeatedly treating him like an object to be dangled by one arm, instead of a human being, and making him put his hands on his head for no good reason on what appears to have been an almost daily basis. He also recruited Ethan's three year old brother to join in the physical abuse, as shown by the CCTV of him being told to punch Ethan on the trampoline.
- Third: Use of very significant force.
- Fourth: Extreme neglect over the whole period, including starvation and dehydration.
- Fifth: Deliberate disregard for Ethan's welfare, including but not limited to disregard for Ethan's desperate need to have more to eat and drink.

The extreme character of these factors, and their combination, even allowing for overlap between the fourth and fifth of these factors, takes the case into Guideline Category A (Very High Culpability).

The harm to Ethan was in Category 1 of the Guideline. His brain function was gradually damaged by violence to the point where he lost most of the skills positively assessed on 7 June, and found it increasingly difficult to walk or keep his balance. He became practically speechless, his vocabulary reduced (on Kerry's evidence) to "Mum" and "Juice" and "No". He suffered the pangs of starvation and dehydration, which the expert evidence confirmed as amongst the most intolerable feelings humans experience, although in Ethan's case this may have been mitigated by his brain damage. The major assaults, including the punches to his stomach in the back of the car causing internal bleeding, would have caused lasting and not merely immediate pain (on the expert evidence).

Under the current Guideline, the starting point for Category 1A Very High Culpability is 9 years custody in a range of 7 - 12 years. Under the previous Guideline, which was issued when the maximum sentence was 10, not 14 years, there was no Very High Culpability category and the starting point for the High Culpability category was 6 years in a range of 4 - 8 years.

Aggravating features are:

- First: Ethan's extreme youth and vulnerability, and Michael's position of trust as his grandfather and principal carer at this time
- Second: Failure to respond to the increasingly obvious impact on Ethan
- Third: Failure to allow social services to intervene or to obtain medical treatment.

A mitigating feature is Michael Ives' poor mood and mental health, although these are by way of personal mitigation rather than reducing culpability for offending committed when Michael had deliberately taken over the responsibility for looking after Ethan and shoved professional support aside.

He is now 48 years old. He has no recent or relevant previous convictions or cautions.

There is no other mitigation. I have seen no remorse, and it has not been suggested to me that there is any.

I will on these facts pass a sentence for child cruelty of 9 years, which is just above the top of the range of the Guideline introduced for the relevant maximum sentence, and close to the maximum of 10 years, although only at the starting point for the current range. This is a concurrent sentence and will be reflected to some extent in the minimum term, but, having regard to the principle of totality, that extent will be limited to 4 years, which is equivalent to an 8 year determinate sentence.

5. Minimum term for Michael Ives

With that in mind, I return to the minimum term to be served by Michael Ives before the Parole Board even begins to consider how he should serve the rest of his life sentence.

I begin by looking at it in relation to the murder alone. Paying due regard to the statute, I adopt a starting point of 15 years, but the seriousness of the case and the balance of aggravating and

mitigating features require a substantial uplift.

The aggravating features of the murderous assault committed at about 9 pm on 14 August are:

- First: Ethan's extreme youth and vulnerability as a now brain damaged and disabled child, and Michael's position of trust as his grandfather and principal carer at this time. There is a degree of overlap between the family relationship, the breach of trust and the exceptional vulnerability of the child. However, the effect of the combination even bearing that in mind, is an extremely powerful aggravating factor taken as a whole.
- Second: The use of extreme force
- Third: A significant delay of what I estimate in total as over 20 minutes before calling for medical help
- Fourth: Lying about what had happened to Ethan when speaking to medics who were making urgent decisions about treatment. Although I recognise that it was already too late to save Ethan's life, Michael Ives did not know that.

I will not add mental or physical suffering as an aggravating feature of the murder because Ethan was almost immediately knocked out. I have covered the prior suffering under the earlier offence of child cruelty.

The mitigating features of the murder are the same as those I have considered in relation to child cruelty.

6. Sentence for Michael Ives

He must pay the statutory surcharge. The 578 days he has already spent in prison on remand will count towards the minimum term that I am going to impose.

Stand up Michael Ives.

For the murder of Ethan Ives Griffiths, I sentence you to imprisonment for life with a minimum term before the Parole Board looks at your case of 23 years, less 578 days already served, leaving 20 years and 117 days from today. For cruelty to Ethan before you murdered him, I sentence you to 9 years imprisonment to be served concurrently with the life sentence. The total sentence is imprisonment for life.

You may go down.

7. Child cruelty - Kerry Ives

Kerry Ives will be sentenced to imprisonment for life for murder. Before fixing her minimum term, I will consider her concurrent sentence for cruelty to a child.

I have already stated the facts and reviewed the Sentencing Guidelines.

Kerry Ives played second fiddle to her husband in all the crime that they committed together, including the child cruelty. She supported and encouraged him in absolutely everything, and is therefore responsible for everything, but almost every act was done by him and not her, and even the omissions were more his responsibility than hers.

- He slept with Ethan in the living room, which she did not.
- He was up and about for more of the day than her.
- The initiative in the campaign of cruelty against Ethan was his.

However, she did sometimes hit Ethan, although much less often and less hard than Michael did, and she was very active in obstructing the visits from social services which would have allowed them to step in and save Michael from his misery.

When considering her offence of child cruelty in isolation from the ultimate murder, I place Kerry Ives in category 1B of the current Guideline, with a starting point of 6 years in a range of 4 - 8 years if the maximum is 14 years, and a starting point of 3 years in a range of 2 to 6 years under the old Guideline which reflected the correct maximum sentence of 10 years.

Aggravating features are:

- Her failure to respond to the increasingly obvious impact on Ethan
- Her active obstruction of social services to intervene or to obtain medical treatment
- Ethan's extreme youth and vulnerability, and Kerry's position of trust as his grandmother and co-carer with her husband and daughter at this time (although with less caring responsibility than either of them).

Mitigating features are her low intelligence and physical and mental ill-health. These to some extent reduce her culpability, but they mostly provide her with personal mitigation. In reaching this view, I have considered the report of Dr Jennifer Matthews to which I have been referred.

I do not accept that there is evidence of dependence on her husband which should be seen as a mitigating feature. She was relatively active; and can be seen shopping and putting out the washing. It was not her case that she knew what was happening was wrong but felt unable to do anything about it.

Kerry Ives is now 48 years old. She is of previous good character, which is a mitigating feature.

She has no remorse which deprives her of what might have been mitigation in that respect.

Sentencing for child cruelty alone, I will on these facts pass a sentence of 6 years.

This is a concurrent sentence which, having regard to the principle of totality, will be reflected by an increase of 2 years in the minimum term, which is equivalent to a 4 year determinate sentence.

8. Minimum term for Kerry Ives

With that in mind, I return to the minimum term to be served by Kerry Ives before the Parole Board first considers how he she serves the rest of her life sentence.

Looking at this in relation to the murder alone, and paying due regard to the statute, I adopt a starting point of 15 years.

As in the case of her husband, however, the seriousness of the case against Kerry Ives and the balance of aggravating and mitigating features have to be considered before fixing the actual minimum term, which must also take account of the concurrent sentence for child cruelty.

The aggravating features of Kerry's participation in the murderous assault on 14 August are:

- First: Ethan's extreme youth and vulnerability as a now brain damaged and disabled child, and Kerry and Michael's joint position of trust as grandparents. Again, I recognise a degree of overlap between the family relationship, the breach of trust and the exceptional vulnerability of the child. But, as before the effect of the combination even bearing that and the difference in Michael and Kerry's roles in mind, is a powerful aggravating factor taken as a whole.
- Second: The use of extreme as well as lethal force, which Kerry supported, encouraged and in Michael's mind legitimised with her support and encouragement.
- Third: The significant delay before calling for medical help in which Kerry played the leading part. She was the person who got on to her telephone, and she was the person who deliberately held back from calling any emergency services, until her other adult daughter's reaction left her with no choice.
- Fourth: Her lies and dissimulation about what had happened to Ethan when speaking to medics who were making urgent decisions about treatment.

Ethan's suffering I have encompassed entirely under her sentence for child cruelty, bearing in mind the expert evidence about the rapid effect of the final assault in depriving him of consciousness.

The mitigating features of the murder are in Kerry's case the same as those I have considered in relation to her sentence for child cruelty.

9. Sentence for Kerry Ives

She must pay the statutory surcharge. The 578 days she has already spent in prison on remand will count towards the minimum term that I am going to impose.

Stand up Kerry Ives.

For the murder of Ethan Ives Griffiths, I sentence you to imprisonment for life with a minimum term before the Parole Board looks at your case of 17 years, less 578 days already served, leaving 15 years and 102 days. For cruelty to Ethan before you participated in his murder, I sentence you to 6 years imprisonment to be served concurrently with the life sentence. The total sentence is imprisonment for life.

You may go down.

10. Shannon Ives

On Count 2, Shannon Ives is guilty of allowing the death of her son.

She knew before Michael murdered Ethan on Saturday 14 August that he was at risk of being killed (and not just physically harmed) by Michael. She knew that Ethan was emaciated, bruised all over his body and had recent injuries on his face. She knew that he was painfully thin, malnourished, and dehydrated. She had seen (as she said in evidence) Michael open Ethan's mouth, put in his fingers, and take the food out of it before Ethan could swallow. She knew that Michael was violent and was being systematically cruel and physically abusive towards Ethan. She knew that Ethan could no longer walk or talk as he had walked and talked before. It was, I am sure, obvious to her when she was called back into the living room to see Ethan

unconscious on the floor on the morning of Friday 13 August 2021 that Michael, the only adult in the room, had just knocked him out. She had never known Ethan to collapse for no reason. Although her intelligence is very low, I saw her give evidence and I also heard her extensive police interviews read into evidence. She understood the situation well enough to work out what was blindingly obvious. Michael had just knocked Ethan out. If this carried on, Ethan did not have long to live.

At this point, the means of taking steps to protect Ethan were already in her hands. She was due to attend a visit to the family centre at 12 noon so that social services could see Ethan and discuss his case, and she had been given the option of having it at the house instead of the family centre. She was also in telephone and text contact with the people involved. She had only to let matters take their course and Ethan would not have spent another night under that roof. Instead, knowing the risk, and knowing that Ethan was dying from lack of food and drink anyway, Shannon Ives cancelled the meeting, put off a visit, and left Ethan in place to be killed, as he was, the next day.

She did not cause his death but she was active in allowing it.

On Count 3, Shannon Ives is also guilty of cruelty to her son in the period 8 June to 14 August 2021, excluding the point when he was murdered, which is covered by Count 2. I have already stated the facts.

I will pass concurrent sentences on Counts 2 and 3, but ensure the sentence on Count 2 is just and proportionate to the offending on both counts as a whole in accordance with the Totality Guideline.

I will apply the Guideline on Overarching Principles. I will also apply the Guideline on Sentencing and also the Guideline on Sentencing Offenders with mental disorders, developmental disorders or neurological impairments, because of the matters identified in the

Pre Sentence Report, in the report of Dr Allen (consultant clinical psychologist) and in the report of Dr Shillabeer (chartered forensic psychologist).

However, the expert reports are based on a less prolonged experience of Shannon Ives' ability to understand and respond to what is going on around her, and being said to her, than I have had. Shannon Ives gave evidence and was cross examined at length (in the presence of an intermediary, who did not have to intervene at any point). She also gave full answers to extensive police interviews. There is a record of her texts (although she deleted texts from her own phone), and evidence from nurses who saw her when she was in hospital for many hours, and overnight, while Ethan was in coma and before his life support was turned off. I accept that she is of very low intelligence and has a diagnosis of depression and anxiety, for which she is receiving effective medication. I accept she had a damaging upbringing from Michael and Kerry Ives. However, she left home at about 16, and went back to live with them later on because it suited her, and not because she had to. Social and protected housing was offered to her and sometimes accepted by her.

I am sure that her failure to take responsibility or to act was not due to a lack of understanding but was because at this point she had stopped having any positive feelings for Ethan and did not care what happened to him. I am sure that she was aware of the risks to Ethan, and the extent of his suffering, and the causes of it. They were both obvious and very easy to understand, even for her.

She has a tendency to lie and to blame everyone but herself when she is in fact seriously to blame. This was apparent from the evidence. It limits the reliability of the clinical assessments. They are based to a significant extent on her own versions of events. The Shillabeer report itself, at para 8.32, detects a degree of minimisation and inappropriate blaming by Shannon Ives. There is reference to her being interpersonally submissive, overly cooperative, and passive, and avoiding confrontation. However, this is not how she presented herself when giving evidence. There was also independent evidence of her non-cooperation with social

services when it came to Ethan's welfare. But she had involved social services and police when she was at the receiving end of domestic abuse from her partner. She knew how to push back.

I do however take account of the results of the more objective assessments and tests referred to in the reports and I accept that she was particularly reluctant to confront her father directly when she was living with him. However, she never wanted to do that as far as his treatment of Ethan was concerned. She wanted Ethan to be broken too.

Count 2 - Allowing the death of a child

On Count 2, the current Guideline for Causing or Allowing the Death of a Child applies, because of the date of sentence. However, the maximum sentence applicable to Shannon is 14 years, because of the date of her crimes, although it has since been increased to life imprisonment. I must have measured regard to the difference in maximum sentence when considering the current Guideline, which includes ranges over 14 years. I should, however, respect the current Guideline's introduction of a new category of Very High Culpability, which was not in the previous Guideline. I have looked at the previous Guideline.

The following High Culpability Guideline factors are present in Shannon Ives' case:

- Prolonged serious neglect, having regard particularly to Ethan's starvation and dehydration.
- Prolonged and multiple incidents of serious cruelty, demonstrated to Shannon by the extensive bruising and injuries to his body and face.
- The gratuitous degradation of Ethan which Shannon saw when Michael Ives carried him by one arm, and when he (as well as she) forced Ethan to stand or walk with his hands on his head.
- Shannon's deliberate disregard for Ethan's welfare, focussing on her phone and online and occasionally in person contacts with new men, instead of looking after him.

- Shannon's failure to take any steps to protect Ethan from her father, particularly by accepting instead of rebuffing the visits and supervision of the social services.
- The use of very significant force when Ethan was killed by the assault on 14 August. Shannon was fully aware of this risk because she knew that Michael had knocked him out for 10 minutes the day before, on Friday 13 August.

The combination of these factors, and in some cases their extreme character, moves Shannon's culpability on Count 2 into the Guideline Very High Culpability Category A. I have considered the extent to which her low intelligence and personality traits reduced her culpability. I do not think they reduce it below Category A. However, I will consider them subsequently.

Harm is in Category 1 because the risk and result which Shannon knew and foresaw was a risk and result of death.

The Guideline starting point is 14 years custody in a range of 12 to 18 years. However, that exceeds the maximum sentence of 14 years because it assumes an increase in the statutory maximum which applied after 28 June 2022. I must therefore adjust both the range and the starting point to reflect the relevant maximum of 14 years.

I will derive from the **Guideline an adjusted starting point of 12 years custody.**

The only aggravating factor which I have not already taken into account is the presence of other children at the time. That is important.

Mitigating factors are Shannon's low intelligence and poor judgment. Also mitigating is the effect on her of a dysfunctional upbringing and domestic abuse and violence in her previous relationship. She was young (24 years old at the date of offence) and immature for her age. She has no previous convictions or cautions.

Balancing the mitigating and other factors, I will impose a sentence of 12 years.

Count 3

Turning to Count 3, Shannon's cruelty to Ethan before he was killed, I apply the Guidelines as before. I place Shannon's offending in category 1 for Harm.

As to culpability, although she moved Ethan to her grandparents' house on 24 June, she did not join them there until 19 July 2021. I should focus on her cruelty to Ethan and not theirs. Her principal cruelty was her neglect of Ethan. She deliberately disregarded his welfare. She did not see that he was properly fed. She failed to take any steps to protect him from her father, whose conduct towards Ethan she was fully aware of after she joined the household on 19 July. She did occasionally strike Ethan and she did sometimes get him to put his hands on his head when indoors, but much less often than her father did, because she was mostly leaving Ethan's care to him.

I place Shannon's culpability in Category B. I do not think it is reduced to C by her limited mental capacity, for the reasons I have already explained.

This provides a starting point of 6 years in a range of 4 to 8 years under the current Guideline (which assumes a maximum sentence of 14 years) or 3 years in a range of 2 to 6 years under the previous Guideline (when the maximum sentence was the 10 years which applies to Shannon Ives' offending).

Bearing in mind the balance of factors which I have already discussed, my final sentence for the child cruelty is 5 years. However, I recognise a substantial overlap between the factors relevant to the sentence on Count 2 and those relevant to Count 3. I therefore will not increase the sentence on Count 2 on account of the concurrent sentence on Count 3.

I have considered the Pre Sentence Report on the question of dangerousness. Whilst Shannon Ives undoubtedly poses a high risk of serious harm to children in her care, I am satisfied that an extended sentence is not necessary on that account. Shannon Ives will have no care of

children while in prison, and upon release, she will be under supervision. After that, child protection arrangements can be put in place under other powers.

11. Sentence for Shannon Ives

Shannon Ives must pay the statutory surcharge. The days she has recently spent in prison on remand will automatically count towards her sentence.

Stand up Shannon Ives.

For allowing the death of your son Ethan Ives, I sentence you to 12 years imprisonment. For cruelty to Ethan Ives, I sentence you to 5 years imprisonment, concurrent. The total sentence is therefore 12 years. You will serve up to two-thirds of your 12 year 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.

You may go down.