

**Swansea Crown Court**

**R**

**V**

**Thomas Morgan**

**Sentencing remarks**

1. Thomas Morgan, it is the court's task today to sentence you for the murder of baby Jensen-Lee Dougal at Easter time on 30 March 2024. No sentence that this court can impose will ever bring Jensen-Lee back and nothing that I can say will make it better for his mother, Jordan Dougal or his grandparents Lucy and Mike O'Connor and everyone who knew and loved Jensen-Lee. We have heard this morning the powerful and moving statements describing their devastation and outrage at how you murdered a baby who you were entrusted to care for. It is particularly hard for Mrs and Mr O'Connor who tried for 20 years to have a baby of their own. We got to know a little of his personality that was already emerging of a wonderful, beautiful baby with a sense of fun and enjoyment of life. They have described that they have lost their world, their little prince and their joy which has been replaced by a life sentence of grief which nearly two years after Jensen-Lee's death is just as raw as when he died. Their anguish was apparent throughout the trial as they sat with quiet dignity listening to the evidence. Their lives have been changed forever.

2. As I explained after the jury's verdict the sentence for murder is life and the court must decide the minimum term that you must serve before you will be released on licence for the rest of your life.

### **The facts**

3. You came into Jensen-Lee's life in December 2023 when you started a relationship with his mother when Jensen-Lee was just a few weeks old and you moved in with them. You were an experienced parent of your own two young children and knew how to look after babies. You knew that their heads must be supported at all times. Ms Dougal felt lucky that you had come into her life and trusted you with Jensen-Lee when needed. In fact all the witnesses that we heard from in the trial spoke highly of your love and care for Jensen-Lee and commented on what a good stepfather you were. Even though the relationship with Ms Dougal was new, you were treated as Jensen-Lee's stepfather from the beginning. We have seen the CCTV from the earlier in the day on 30 March and you appear to have a good bond with him and be helping with Jensen-Lee from time to time during the day. Everyone was enjoying a happy bank holiday weekend in good weather. Your two children were interacting nicely with Jensen-Lee and seemed devoted to him.
4. Everyone described him as a contented cheerful little baby with a sunny personality already showing itself and a winning smile. I say little as he was small, he was born prematurely and at 5 months when he died he weighed under 6 kilos a little less than 12 and a half pounds. His cheerfulness and resilience is all the more remarkable given that after his death it was discovered that he had suffered earlier rib fractures that you are not guilty of causing.

5. After you had dropped Ms Dougal off at work and returned your own children you became embroiled in an increasingly heated row conducted over WhatsApp with the mother of your children. It began as you were driving home with Jensen-Lee asleep in his car seat and continued for 90 minutes. I am sure that the message exchange of 82 abusive messages between you made you angry and annoyed. When got you home to 44 Players Avenue, Clydach at around 4.30pm we have no way of knowing exactly what happened as you have lied to the police and to everyone that you have spoken to since and there is no CCTV of what went on inside the house.
6. What we do know is that Jensen-Lee woke up at one point and either in the sitting room or upstairs in the bedroom or bathroom, shortly before you rang Ms Dougal at 20 past five, you shook Jensen-Lee so violently that you caused extensive injuries including a subdural bleed, hypoxic ischaemic injury and extensive retinal damage. You also fractured Jensen-Lee's ribs (compression injuries consistent with being held during a shaking episode) and caused metaphyseal fractures to the radius (elbow) and both tibia (his ankles) consistent with flailing limbs during a shaking incident.
7. The expert evidence was that this was the sort of force which would cause an onlooker to cross the road to intervene or that would be caused from a high speed road traffic accident or a fall from 10m onto a concrete floor. The ophthalmologist expert Mr Ghauri described the retinal injuries as the most severe he had seen in the whole of his career as a clinician and expert.
8. The violent shaking with Jensen-Lee's head moving back and forward quickly accelerating and decelerating may have been very brief but it was hard enough to cause his extensive internal head injuries that caused his death.

9. When you were shaking Jensen-Lee you also fractured Jensen-Lee's ribs, (compression injuries consistent with being held during a shaking episode and caused metaphyseal fractures to the radius (elbow) and both tibia (ankles), consistent with flailing limbs during a shaking incident.
10. Jensen-Lee will have immediately become floppy and lifeless.
11. Instead of getting help immediately and calling 999 when the situation could not have been more time critical you rang Ms Dougal several times and invented an entirely false account of what had happened. A particularly troubling feature of the evidence was that Jensen-Lee was completely naked without even wearing a nappy when you left the house with him in your arms and handed him over the fence to Hayley Evans who lived next door. You shouted at her son to call an ambulance so that at least 3 minutes were lost from when you could have made the call yourself.
12. You then spent the next few hours at Hayley's house and in the hospital repeating your completely false account of Jensen-Lee choking to anyone who would listen.
13. The injuries you caused Jensen-Lee were fatal. Hayley Evans did her absolute best to administer CPR to baby Jensen-Lee until neighbours Jonathan and Eleri-Wynn White took over who also acted with the utmost dedication and professionalism. But the injuries were unsurvivable and we now know that nothing could have saved Jensen-Lee.
14. You maintained the fiction to Ms Dougal and Mrs and Mr O'Connor. You were still acting as the grieving stepfather at Jensen-Lee's cremation. All along you knew that you had caused those injuries to Jensen-Lee in a fit of temper. Even now you cannot admit to yourself what you have done.

15. You were born on 9<sup>th</sup> January 1997. You were 27 years at the date of the offence and are now aged 29. You have a single conviction for criminal damage on 26<sup>th</sup> February 2019 and a caution in respect of an offence of battery on 3<sup>rd</sup> November 2018. Both these earlier offences are irrelevant to this offence and I disregard them.

### **Sentence**

16. The court must decide the minimum term of imprisonment you will be required to serve the Court by reference to Schedule 21 to the Sentencing Act 2020.

The starting point for the minimum term you must serve before you will be considered for release on licence is 15 years as the offence falls within paragraph 5 of Schedule 21. However, 15 years is the starting, not the finishing point and the court's next task is to consider any aggravating and mitigating features that apply to see if the minimum term should be adjusted upwards or downwards.

17. A number of statutory aggravating features apply in this case. There was abuse of trust as you had sole charge of Jensen-Lee while Ms Dougal was at work and were entrusted to care for him as a parent. Jensen-Lee was also particularly vulnerable because of his very young age. He was an utterly defenceless baby and totally reliant on you for all his care and health needs. It is a unique feature of human beings that our young are defenceless for so long. His extreme vulnerability as such a young child and your abuse of trust are significantly aggravating features. You also delayed getting help until after you had made up a story to tell everyone about what had happened – selfishly prioritising how to protect yourself over getting help for Jensen-Lee. You have

kept that pretence up ever since. There is also the level of your violence that caused Jensen-Lee's brain injuries.

18. As to mitigation there are several points Mr Hipkin KC has highlighted in your favour. This was the first and only time that you injured Jensen-Lee. On previous occasions you had been loving and caring towards him.

19. It is also agreed that this was not a premeditated assault – you acted in temper in the heat of the moment. Furthermore, I cannot be sure that the assault was anything longer than a brief episode. As the experts explained it was the severity of the force used, not its duration, that caused the harm which can be caused from a very brief but violent, episode. Also, I cannot be sure that you intended to kill him, but only that you intended some really serious harm to him in your anger. I also accept that the injuries to Jensen-Lee's ribs and the bucket handle (metaphyseal) injuries to his ankles and elbow were all part of the same incident and ought not to be counted as separate incidents or seen as an aggravating feature. They occurred as a consequence of the same violent shaking that caused the head injuries.

20. However, in my judgment the aggravating features significantly outweigh the mitigating factors. I require the minimum term starting point to be adjusted to **19 years**.

21. I shall reduce the length of the minimum term by the **229** days that you have spent on remand since you were arrested so that the minimum term takes account of the entire period of your incarceration in respect of these offences. With arithmetic, the minimum term of **19 years** is therefore **18 years and 136 days**.

22. It is important that you and everyone concerned with this case should understand what this means. The minimum term is not a fixed term after which you will automatically be released. It is the term that must be served before the Parole Board can undertake their first review of the case. They will review the risk that you present at that stage and will consider whether you can properly be released from custody subject to licence and, if so, on what terms.
23. If you are released, you will be subject to licence for the rest of your life. If for any reason your licence is revoked, you will be recalled to prison to continue to serve your life sentence in custody.
24. It follows that unless and until the Parole Board consider that your release is appropriate you will remain in custody.
25. You will be required to pay the statutory surcharge. There will be no separate penalty for count 4.

### **Commendations**

26. I firstly want to commend Hayley Evans and Jonathan and Eleri-Wynn White. Although they were neighbours, they did not know Ms Dougal or you Mr Morgan as neither of you had been living there long. Faced with the catastrophic emergency of you coming out of the house with a lifeless baby Hayley came immediately to your aid, taking Jensen-Lee into her house and provided CPR while you were shouting and crying and, quite frankly getting in the way and making her task even more difficult. She continued coping and doing everything she could until Jonathan and Eleri-Wyn White arrived and took over. They too were magnificent and they continued until the paramedics

had arrived and had set up all the kit that they needed to take over. Without their actions Jensen-Lee's injuries would have been even more devastating. Their actions demonstrated the depth of human kindness to provide effective help in an emergency to their fellow human beings. It was such a contrast to your own selfish behaviour which was solely focussed on you trying to avoid blame and detection to what you had done.

27. I have put forward Ms Evans and Mr and Mrs White for a High Sheriff's award for their actions and bravery that day.

28. I also want to pay tribute to the first responders who attended at the scene on 30 March 2024 and dealt so professionally with what they found there.

29. This team of detectives approached this awful case with compassion and professionalism. I wish to thank all the police officers who investigated the case and for their detective work so that this case could be brought to justice.

30. I thank also all the witnesses who came to court and gave their harrowing evidence with such grace, dignity and composure and in doing so had to relive the trauma of Jensen-Lee's death. I want to thank all the others witnesses and potential witnesses those who came forward to assist the police with statements but who were not required to come to court.

31. I thank all counsel and their solicitors for their hard work and advocacy too.

32. I once again want to thank the jury who approached their role with such concentration and close attention to the evidence and the distressing details. I could see what a traumatic experience it was for them to perform their valuable public service.

33. I want to all the staff here at Swansea Crown Court especially our court clerk Mrs Lyn Davis and our ushers Mrs Christine Long and Mr Tim Prior who have

gone above and beyond to ensure a smooth running and efficient trial. I know I speak on behalf of everyone when I thank them for their hard work.

34. Finally, the thoughts of all of us go to Ms Dougal and all her family and friends for the loss of her baby. He had his whole life ahead of him and when you took his life, you took their hopes and dreams for his future and they have been deprived the chance of seeing him grow up, nurturing and caring for him and fulfilling their own dreams as parents and grandparents. But justice has been done by the jury's verdicts and now that you have been sentenced you may go downstairs.

Mrs Justice Stacey

25 February 2026