



Rex

v.

Janice Tracyline NIX

Sentencing Remarks

1. Janice Tracyline Nix, the jury have found you guilty of the manslaughter of Andrea Bernard and of cruelty towards Desmond Nicholas Bernard when he was a child.
2. You killed Andrea Bernard by placing her in, or making her get in, a scalding hot bath. You did that on 6 June 1978, when she was 5 and you were 19. She, and her brother Desmond, were the children of your then partner, Desmond Emanuel Bernard. You were supposed to look after them when he was out of the house, but you regularly ill-treated them.
3. In particular, in the months leading up to 6 June 1978, when you were 18 or 19 and he was 7 or 8, you repeatedly beat Desmond, both with and without a belt, you hit him with a metal pot, you burnt him with a cigarette, you made him eat cat food and you forced him and his sister to sit in a cold bath.
4. You put Andrea in, or made her get in, the scalding hot bath as a punishment. She sustained full-thickness burns over 50% of her body surface, i.e. over her legs and the lower part of her torso, including some way up her back. The time taken for her to sustain these burns will have depended on just how hot the bath was. The burns caused her death after over 5 weeks of suffering in hospital.
5. You lied about the incident and you made Desmond support your lie, by promising to stop beating him, as a result of which Andrea's death was treated at the time as accidental.
6. You took Andrea's life and you caused grief and misery to her family, as her mother, Angela, and her brother, Desmond, have explained so eloquently in their statements. Angela Bernard said that she felt completely destroyed by Andrea's death and that she still thinks about Andrea every day. Desmond Bernard spoke of the emotional turmoil

and psychological damage which he continues to suffer, with feelings of guilt, anxiety, anger and shame always lurking in the background.

7. As you have heard, there are sentencing guidelines which apply to cases of this kind. These say that the starting point for your offence of manslaughter depends upon the level of your culpability. I have concluded that this is a case of high culpability, with a starting point of 12 years' imprisonment, because of the high risk of death or grievous bodily harm which was or ought to have been obvious to you.
8. I reach this conclusion because I am sure that you ran the bath, you knew how hot it was, you told Andrea to get in the bath, she said that it was too hot, but you either put her in the bath or made her get into it, you did so to the extent that 50% of her body surface was exposed to the hot water for long enough to cause her burns and you heard her screams. At the very least, the risk ought to have been obvious to you.
9. I do not consider that there was a substantial reduction in your responsibility through your lack of maturity, but I will treat your youth and immaturity as an appreciable mitigating factor.
10. The aggravating factors are as follows:
 - (1) Your abuse of a position of trust.
 - (2) Andrea's vulnerability due to her youth.
 - (3) Your history of abusing Andrea from the time when she came to live with you and her father.
 - (4) The presence of Desmond in a nearby bedroom, where he could hear Andrea's screams, and his seeing Andrea in a distressing state when you lifted her out of the bath.
 - (5) The significant suffering caused to Andrea in the 5 weeks or so before her death.
 - (6) Your successful efforts to cover up your offence.
11. I do not treat the use of scalding hot water as an aggravating factor, since I have taken it into account in assessing your culpability. There was evidence that your mother told you not to beat the children so much, but I cannot be sure about that.
12. In determining your sentence for manslaughter, I will also take account of your cruelty offence, for which I will impose a concurrent sentence.
13. The mitigating factors are:
 - (1) Your youth and immaturity at the time.
 - (2) Your difficult background, including sexual abuse, an abortion when you were only 14, corporal punishment, bullying, depression and leaving home when you were only 15 or 16.

- (3) Your positive character over the last 20 years, as attested by the various character references which I have read, which set out the different ways in which you have helped many others during that period, including women affected by sexual violence, although this factor has to be tempered by reason of the many offences which you committed in the years from 1983 to 2002, for some of which you received lengthy prison sentences.
 - (4) Your various health issues, listed by your counsel in their sentencing note, which will make the experience of prison more difficult for you.
14. The maximum sentence in 1978 for your offence of cruelty to Desmond was 2 years' imprisonment. That has since increased to 14 years and, if I were to apply the current guidelines in relation to a similar offence committed recently, the starting point would be 6 years' imprisonment. It is conceded that the harm which you caused fell within the highest category, category 1, and I consider that this is a case of high culpability because of your use of multiple weapons, namely a belt, a metal pot and a cigarette, over a period of several months.
15. The aggravating factor is that the cruelty offence was committed in the presence of another child, Andrea.
16. The mitigating factors for the cruelty offence are the same as for the manslaughter.
17. It is not suggested that you meet the statutory test for dangerousness and I do not consider that you do.
18. Your offences are so serious that only custodial sentences can be justified. The least possible sentences I can impose, having regard to the seriousness of the offences, are:
 - (1) 12 years' imprisonment for the offence of manslaughter; and
 - (2) a concurrent sentence of 15 months' imprisonment for the offence of cruelty.
19. Your total sentence is therefore 12 years' imprisonment.
20. The time which you have spent in prison on remand will count towards your sentence.
21. You will be released from custody no later than two-thirds of the way through the sentence, namely after 8 years, and the remainder of the sentence will be served on licence in the community. You must comply with all of the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

Mr Justice Lavender

19 June 2026