Rex v Emma Barnett

Sentencing Remarks of Mr Justice Sweeting

Cambridge Crown Court

5 June 2026

On 8 November 2024 you were the sole carer of your 14-month-old son, Oakley. By that stage there had been long-standing involvement from social services arising from concerns about your mental health and your ability to care for your children. You were the 34 years old. Five of your older children had already been removed and were living in foster care. Proceedings in respect of Oakley were ongoing, and significant safeguards had been put in place in the weeks leading up to that date.

You knew that a hearing listed for that day would result in a decision about Oakley's future. You knew there was a real prospect that he would be removed from your care. You arranged to join the hearing remotely. Before the hearing started you drove your car to Epping Forest and left it in a carpark. You walked back to your home and on the way collected medication that had been prescribed to you; promethazine and mirtazapine. You admitted later that you had researched on the internet what dose of these drugs would be required to kill an adult. During the course of the afternoon and during your participation in the hearing you took deliberate steps to conceal your whereabouts. You gave false accounts of where you were, including creating the impression that you had gone to a friend's house and later to Epping Forest. At around 4pm, you concealed yourself with Oakley in the loft space of your home.

You had prepared for that. You equipped the loft with items including supplies for Oakley, and you barricaded the hatch to prevent access from below. At some point before the critical events that followed, Oakley ingested significant quantities of promethazine and mirtazapine. You had ground up those drugs and added them to juice and milk in Oakley's baby bottles, which were later found in the loft. Small amounts of liquid, contaminated with these drugs, were found in the bottles. You had fed the drugs to Oakley using the baby bottles and in doing so intended to kill him. It may be that the drugs had also been administered to him using an oral syringe bearing both your DNA and his. Over the course of the evening you yourself consumed around six packets of paracetamol which you had been stock piling over a number of weeks but you took little or none of the other drugs.

Following the outcome of the court hearing, of which you were informed, social workers and then the police sought to locate you to remove Oakley to carry out the order made by the Family

Court. As the evening progressed, concern grew for both your welfare and Oakley's safety. Officers attended your address at about 8pm but could not then locate you. Your car was found in the forest leading to a search involving a helicopter and police dogs. There was contact with your family and friends. Eventually, further enquiries, including the examination of mobile phone data, led officers back to your home.

Shortly before midnight the police re-entered the property. They heard the sound of a baby crying coming from the loft. The loft hatch had been obstructed from within. Communication was established with you by telephone. You were distressed, but coherent. You gave an assurance about Oakley's safety to the Police Inspector who spoke to you. You resisted entry, saying that you wanted more time with Oakley and indicating that he was "OK". Negotiations continued at the loft hatch where the senior officer present sought to coax you gently into allowing him to check that Oakley was safe.

At approximately 16 minutes past midnight on 9 November 2024 the situation changed dramatically. In answer to a question from a police officer you said, "I've killed him." Officers immediately forced entry. In doing so, a gas cylinder was dislodged and struck an officer. When entry was gained you were found suspended by a ligature. It may be that only the prompt action of the officer who held you up by your legs until the rope could be cut saved your life or spared you significant injury. Oakley was found unresponsive in a Moses basket.

He was pale, lifeless and in cardiac arrest. Police officers immediately commenced resuscitation, assisted by a doctor who lived nearby, and later by ambulance and critical care teams. Despite sustained efforts, Oakley had suffered profound hypoxic injury. Although a return of circulation was achieved, he never recovered and he died on 31 December 2024.

The medical evidence established that Oakley's death was caused by the promethazine and mirtazapine which you had fed him. Those drugs, particularly in combination, were capable of causing significant sedation and respiratory compromise, leading to hypoxia, cardiac arrest and ultimately severe and irreversible brain injury. There was no natural disease to explain his collapse. The scientific evidence was that the level of promethazine in his blood was 15 times the normal adult therapeutic dose. That was a lethal dose for a baby.

The prosecution case, which the jury accepted by their verdict, is that you deliberately administered that medication to Oakley intending to kill him. I am satisfied that on the day this was part of a planned course of conduct which was to culminate in your own death. Your case, that Oakley had consumed the drugs himself or had been fed them by accident was entirely inconsistent with the evidence.

In those circumstances, this was the killing of a very young and vulnerable child, wholly dependent upon you for his care and protection, brought about by your deliberate actions in the course of a planned sequence of events.

The only sentence for this offence is one of life imprisonment.

In deciding upon the minimum term so I am required to apply the statutory framework contained in Schedule 21 to the Sentencing Act 2020.

Whilst it is acknowledged that sentence is a matter for the court, on behalf of the prosecution it is submitted that this case is so serious as to justify either a whole life order, or alternatively a starting point of 30 years. Those submissions are based primarily on the contention that there was a substantial degree of premeditation and planning, and that the offence involved the abduction of a child.

I have considered those submissions with care. A whole life order is, as the authorities make clear, a sentence of last resort, reserved for cases of the most exceptional gravity. It is one which will ordinarily be imposed only where the facts leave the court in no doubt that just punishment requires that the offender should never be released.

In my judgment, this case does not reach that standard. In reaching that conclusion I have had the advantage of seeing and hearing you give evidence.

There was planning in your conduct, and I shall return to that. However, I am not satisfied that there was a substantial degree of premeditation or planning of the kind envisaged by paragraph 2 of Schedule 21. I am certain that you had set about planning your own death in advance, in particular by purchasing paracetamol over the course of weeks but the preparatory steps taken to end Oakley's live occurred on the day. In the past when you had had suicidal thoughts you had asked for help and for Oakley be taken away. I consider that it is possible that it was not until 8 November you came to the view that if you could not have Oakley then no one would have him. What occurred, grave though it is, fell short of the sustained, sophisticated and deliberate planning which characterises those rare and exceptional cases which paragraph 2 of Schedule 21 is intended to cover.

Nor do I accept that this case involved abduction within the meaning of Schedule 21. You remained within your own home. Although you deliberately concealed Oakley and resisted the lawful efforts of the authorities to locate him after an order had been made for his removal, that is not, in my view, the kind of abduction to which paragraph 2 is directed.

This means that in your case there will be the possibility of release from prison at a future date.

For similar reasons to those I have already given, I do not consider that the case falls within paragraph 3 so as to justify a starting point of 30 years. None of the features ordinarily associated with that category is present, and standing back and assessing the case as a whole, I am not persuaded that the seriousness of this offence properly falls to be described as "particularly high" within that provision.

Many cases involving the murder of a young child involve a sustained period of abuse, assault or neglect prior to death. That is not this case. The evidence is that you were a caring mother, who attended to Oakley's needs, including his medical needs whenever they arose. Your

mother and sister painted a picture of you trying your best. Your house was clean, with all of the equipment necessary for a child of Oakley's age. The kitchen was well stocked with food and your home was warm and comfortable. You got on well with the support workers who visited and stayed overnight. They did not have any concerns about you although they were aware of the reasons for the involvement of social services. The circumstances of this case were complex and nuanced.

Accordingly, I am satisfied that the appropriate starting point is that provided by paragraph 5 of Schedule 21, namely 15 years' imprisonment. This is, however, only a starting point from which I must determine the appropriate minimum term which you must serve before you may be considered for release.

This is what that means. Once the minimum term has expired you will only be released if the Parole Board consider it safe and appropriate to release you. If they do not you will remain in prison. You will have to serve the whole of the minimum term before you can apply for release. The Parole Board cannot direct your release before that term is at an end. If you are released from this sentence you will be on licence for the rest of your life and can be returned to prison at any time.

Having identified the starting point, I must consider the aggravating features of this case.

First, Oakley was exceptionally vulnerable. He was a baby of only 14 months, wholly dependent upon you for his care and protection.

Secondly, there was a profound breach of trust. You were his mother. The duty upon you to safeguard him could not have been higher. Instead, it was you who intentionally caused his death.

Thirdly, there was a degree of planning and preparation, even if it does not meet the threshold of "substantial" planning for the purposes of the higher starting points. You took steps during the course of the day designed to place yourself alone with Oakley, to avoid detection, and to equip the loft where you intended to remain. You created a false trail to mislead those who would come looking for him.

Fourthly, the offence was committed in circumstances designed to delay intervention and thereby prolong the period during which Oakley was beyond the reach of assistance.

Finally, I take into account the circumstances in which Oakley was found: unresponsive, in cardiac arrest, having suffered catastrophic harm as a result of what had been done to him. The manner of his death, involving sedation, hypoxia and collapse, represents a grave feature of the offending.

I turn next to mitigation.

You are of previous good character. There is no history of violence towards any of your children.

You suffer from a recognised mental disorder, described by the experts as an emotionally unstable personality disorder with associated symptoms. Although the jury's verdict establishes your intention, and although I do not regard your condition as in any way excusing what you did, I accept that it forms part of the background to an offence which occurred in the context of an acute personal crisis, precipitated by the imminent prospect of Oakley's removal from your care.

I also bear in mind that, at least in general terms, your longer history as a mother was not characterised by deliberate harm to your children, but by difficulties arising from your own mental health. Had you succeeded in taking your own life one of your last acts would have been that of transferring all the money you had to your two eldest daughters expressing your love for them. I mention this as part of your mitigation but also to remind you, in view, as the jury heard, of your continuing attempts to take your life you that there are those, including your own children, whom you love and who love and care for you.

Standing back and considering all of these matters together, this is plainly a case in which the aggravating features significantly outweigh the mitigation.

This was the killing of a very young child, in breach of the highest possible duty of trust, and in circumstances involving deliberate conduct designed to prevent others from intervening. You deprived Oakley of all the life that lay ahead of him and his father Jake, whose statement was read out, of a son.

In those circumstances, I conclude that the appropriate sentence is one which involves a substantial uplift from the 15-year starting point to reflect the seriousness of your offending taken as a whole. I consider the appropriate minimum term to be 22 years.

I must take into account the time you have already spent in prison on remand which I am told is 357 days and reduce the minimum term accordingly.

For the murder of Oakley I therefore sentence you to life imprisonment with a minimum term of 21 years and 7 days.

The statutory surcharge applies in your case, which is to be paid in the sum of £228.

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