

IN THE CROWN COURT AT BRISTOL

THE KING

V

TONY LEE BARTLETT

Sentencing Remarks of Mr Justice Cavanagh

24 July 2026

1. Tony Lee Bartlett, on 8 July 2026, you were convicted at this court, after a trial, of the murder of your baby son, Atticus Bartlett. Atticus was four weeks old when you killed him.
2. There is only one sentence that the law allows me to pass for the offence of murder. It is a sentence of imprisonment for life. That is the sentence that I will pass, but I am also required by the Sentencing Act 2020 to specify a minimum term which must elapse before you can be considered for release on licence.
3. It is important to stress two matters at the outset.
4. The first is that you – and everyone concerned with this case or watching, reading, or reporting this sentence – should understand what your sentence of imprisonment for life in fact means. The minimum term is not a fixed term after which you will automatically be released. Rather, it is the minimum time that you must spend in custody before your case can be considered by the Parole Board. It is for the Parole Board to say, after expiry of the minimum term, whether or not you are fit to be released. There is no guarantee that an offender upon whom a minimum term order has been imposed will be released once the minimum term has expired, or at any particular time thereafter. If and when you are released, you will be subject to licence, and this will remain the case for the rest of your life. If for any reason your licence were to be revoked, such as if you

reoffend, you will be recalled to continue to serve your sentence in custody. You will, therefore, face the consequences for the rest of your life.

5. The second matter is this: your victim, Atticus, was a tiny child. The minimum term that I am about to impose should not be seen by anyone as being intended to be a measure of the value of Atticus's life. Nothing that I can do will provide recompense for the loss of this young child's life. Atticus should have had a long and happy life ahead of him. His life was ended before it really began. He has been deprived of the opportunity to experience the joys and challenges of human existence over a full lifespan. Normally, when I sentence an offender for murder, I say something about the victim, so as to give a sense of their personality and character, but I cannot do so on this occasion, because this poor baby was too young to have developed a personality or to have given people a sense of what he was like. However, it is clear from the victim personal statements that I have heard or read from Atticus's mother and other family members that he was very much loved and cherished during his very short life. The victim personal statements describe, in heartbreaking detail, the effect of Atticus's death upon his mother and his wider family. These events have had a very great impact on Ms Ballantyne. She suffers from severe anxiety. She finds herself constantly worrying about Atticus's older brother. The ordeal of the trial has made things worse. As she put it, the trial has made her nightmares return. The loss of Atticus at such an early age has also greatly adversely affected the lives of his wider family members, in many ways. These events have been very traumatic for them. His grandmother worries about the effect on Atticus's brother, and they all miss Atticus terribly.
6. Atticus Bartlett died on 23 July 2022 as the result of very violent shaking by you on the evening of 16 July 2022. The fact that the jury convicted you of murder, rather than manslaughter, means that, on the evidence, the jury was sure not only that it was you who inflicted the injuries that led to Atticus's death, but also that when doing so you intended either to kill Atticus or to cause really serious injury. I was the trial judge. I say at the outset that I am sure that you did not intend to kill Atticus when you assaulted him on 16 July 2022. You did, however, intend to cause him really serious harm, and that is the basis upon which I will sentence you.

7. You were born on 19 January 1987. At the time of Atticus's death, therefore, you were 35 years old. You lived in Chard with your partner Evelyn Ballantyne, and your older son, who was just under two years old at the time of Atticus's death. You also have an older daughter from an earlier relationship, who is now ten.
8. Your relationship with Ms Ballantyne had its ups and down but, in July 2022, you were getting on well together. Atticus was born on 17 June 2022. Both you and Ms Ballantyne were subject to the usual stresses that come with being parents of a very small baby, especially when there is also a toddler in the house. In addition, you worked long and tiring hours as a postman.
9. There is no evidence that you had behaved violently, aggressively, or improperly towards Atticus or your other children in the period leading up to 16 July 2022. However, there was evidence that could, on occasion, have a fiery temper. You have a previous conviction dated 2 September 2020 for offences of using violence to enter premises and criminal damage. Both of these offences were committed against your former partner, the mother of your daughter. You were then separated from her. You kicked her door twice because she would not let you in, on the second occasion so hard that you broke the door frame, and hit your former partner's shoulder with the door. You admitted these offences and were fined for them.
10. You had taken a two-week period of paternity leave immediately after Atticus's birth, during which you had taken responsibility for getting up in the night and feeding Atticus. After you returned to work, you took something of a back seat in the care of your children, leaving it mostly but not entirely to Ms Ballantyne, and preferring to spend time in the evenings playing on your X-Box. This caused some strain between you. Nevertheless, I am satisfied that you were a loving and affectionate father to Atticus and your other children. Ms Ballantyne and other family members made clear that they had no concerns about the way that you behaved around the children. The family home was spotless and very well-organised. It was very neat and tidy and bottles of formula milk were prepared and kept in the kitchen ready for use when required.
11. Atticus was a completely normal baby at birth. In the weeks that followed, he was healthy. He was a somewhat difficult feeder, certainly compared to his older brother, but this was nothing that was out of the ordinary. It meant that he would

sometimes bring up milk, and that it would sometimes take longer than would be ideal to feed him, wind him, and get him to sleep. He cried more than his brother had done.

12. 16 July 2022 was a Saturday. You and Ms Ballantyne had decided to go out for a date night, the first night out together since Atticus had been born. The two of you arranged for Ms Ballantyne's mother, Ms Rachel Donovan, to babysit, together with her partner, Mr Andrew Donovan. The two of you went to a public house and then on to a comedy night at the Guildhall in Chard. You got to the pub at about 6.20 pm and returned home just before 11.00 pm. During this period you drank a total of 8 and ½ pints of lager. Considering that much of this time was spent at a comedy show, you drank very quickly. CCTV evidence showed that you were doubling-up, ordering two pints of lager at a time.
13. Neighbours followed you and Ms Ballantyne as you walked home from the night out. One described you as being slightly unsteady on your feet. You said in your police interview that were a little drunk, but you were not overly drunk. In fact, I have no doubt that you were very drunk. You are a well-built man, and you were used to drinking regularly, but you had not drunk for a while since Atticus was born, and you drank considerably more that night than you were used to drinking.
14. It was, to say the least, highly irresponsible for you to drink so much when you were sharing the care of two small children with your partner, even though you had agreed with her that she would get up for Atticus in the night. I have no doubt that this terrible tragedy would not have happened if you were not so heavily intoxicated.
15. When you arrived home after the night out, a few minutes were taken up with the handover from Rachel and Andrew Donovan. They then left, and Ms Ballantyne went upstairs to change and to take off her make up. You stayed on the sofa in the sitting room with Atticus. You were feeding him with a bottle. Atticus was slightly unsettled and was not feeding well. He was bringing up milk. In your drunken state, Atticus's inability to take the bottle as well as you thought he should enraged you. You had a sudden fit of anger. You vented that anger on your tiny baby son. You shook him very violently indeed, gripping him very tightly round his ribcage. This only lasted a few seconds or at most a minute or

so. Just in that brief moment, you wanted to cause Atticus serious injury. As suddenly as you began, you stopped, your anger evaporated, and then you dozed off.

16. When Ms Ballantyne came downstairs, only 2 or 3 minutes after going upstairs, Atticus was already fatally injured. He was lying, face down, across your knees whilst you dozed. As Ms Ballantyne came into the room, Atticus, who was a grey colour, let out two unnatural gasps. Ms Ballantyne immediately appreciated that Atticus was dead, or close to death, and screamed “He’s dead”. This woke you up. You flipped Atticus over and it was immediately obvious to both of you that he was floppy and unresponsive. Ms Ballantyne ran out of the house screaming, and then made several desperate attempts to call the emergency services. In your befuddled state you only dimly appreciated what was going on, but you did make a somewhat half-hearted attempt to help Atticus by massaging his chest and blowing on his face. You did not act with any urgency. Ms Ballantyne called on the neighbours to help, and several of them came in to provide assistance. They all deserve praise for what they did that night, but I must single out one neighbour, Nadine Fitzimmons. She was first-aid trained and she made heroic efforts to revive Atticus, in the most stressful circumstances imaginable. It is a sign of your drunken state that when Ms Fitzimmons appeared at the door to the sitting room, your first response was to say, “Whoa, who the fuck are you?”. Ms Fitzimmons suggested that you breathe into Atticus’s mouth and sit him up. She then took over, giving him CPR, and following the instructions of the ambulance dispatcher. She continued to do this until the paramedics arrived and took over. The paramedics managed to achieve return of spontaneous circulation, that is a heartbeat, but Atticus never breathed independently thereafter, and the reality is that, by the time Ms Ballantyne had arrived in the room, Atticus had already been fatally injured and there was nothing that could have been done to save his life.

17. I should add that there is no basis for any criticism of Ms Ballantyne. She had no reason to think that she was placing Atticus in any danger when she went upstairs for a couple of minutes to get ready for bed. She was aware that you had been drinking, but it would not have been obvious to her quite what an effect it had had on you, and it was reasonable for her to leave Atticus in your sole care for only a couple of minutes.

18. Atticus was taken to the Musgrove Park Hospital in Taunton and from there to the Bristol Royal Infirmary Children's Hospital. Despite strenuous efforts by the medical staff, nothing could be done to save Atticus's life. Life support was eventually switched off and he died on 23 July 2022.
19. A police officer spoke to you at the scene at your home in Chard a few minutes after emergency services had arrived and the conversation was recorded on her body worn camera. It was clear that you were still groggy and intoxicated.
20. You were arrested on 17 July 2022 and were first interviewed by the police on 18 July. At that stage, you were clear in your recollection that Atticus was already floppy and unresponsive when Ms Ballantyne came into the room. By the time of your trial, however, the essence of your defence was that Atticus's very serious injuries must have been caused by Ms Ballantyne picking Atticus up and shaking him in panic, rather than by any actions of yours. It does you no credit that you sought to pass the blame onto Ms Ballantyne, when you were well aware that you had been alone with Atticus when Atticus sustained the injuries that caused his death, and so must have been the person who caused them, even if you could not exactly recall how it happened.
21. A great deal of medical evidence was placed before the Court at the trial. The medical experts were unanimous in their views of the mechanism that caused Atticus's fatal injuries. They agreed that Atticus died from hypoxic-ischaemic brain damage which was the result of excessive oscillation or shaking movements of Atticus's head, whilst he was being held tightly around the torso. In lay terms, you held Atticus very tightly round the chest and back whilst shaking him so hard, forward and back, that you caused irreversible damage to his brain stem, bleeding on the brain, brain swelling, retinal haemorrhages, and severe damage to the nerves around his spine. You also caused several fractures to Atticus's ribs by the rough handling. The effects of this assault were so grave that Atticus immediately lost consciousness and was never to regain consciousness. He lost control of the ability to breathe and his heart stopped working.
22. A number of the medical experts were asked about the degree of force that would be required in order to inflict these injuries. Each of them gave the same answer: on a scale running from mild, moderate, severe, to extreme, the experts said that a severe amount of force would have been required to inflict these injuries on a

baby of Atticus's age. They said that the injuries suffered by Atticus were similar to those that would be seen after a serious road-traffic accident, or after a child fell from the top of a two-storey building. One medical expert said that this case fell at the extremely severe end of the spectrum of seriousness.

23. There can be no doubt, therefore, that your treatment of Atticus in that short period, went far beyond rough or ham-fisted handling of a baby, even by someone who is intoxicated.

24. I now move on to address the considerations that I have taken into account when deciding upon the minimum term that I will impose for the offence of murder.

25. In deciding upon the minimum term that you must serve, I must take account of the starting point which is prescribed for this offending by Schedule 21 to the Sentencing Act 2020.

26. I begin by identifying the appropriate starting point for determining the minimum term. In your case, the appropriate starting point is 15 years. However, the starting point is not necessarily the end point, and it will not be in your case. I must also take into account the aggravating and mitigating factors which the Sentencing Act requires me to take into account, and I must take account of such other aggravating and mitigating factors as I consider relevant, before arriving at the appropriate minimum sentence. This is not a mathematical exercise, but I have taken account of all relevant considerations, including those urged upon me by counsel, and I have given each of them such weight as I think fit.

27. I will deal first with aggravating factors.

28. The most significant aggravating factors are the extreme youth and vulnerability of your victim, and the gross abuse of trust involved in this offence. These are very substantial. Nobody is more vulnerable and reliant on others than a blameless one-month-old baby. He could not stand up for himself. As Atticus's father, you were one of the two people, above anyone else, to whom he was entitled to look for love and protection. Atticus was in your sole care when you assaulted him. The starting-point in the Sentencing Act does not take account of the fact that your victim was a very small child. I bear in mind, however, the

need to avoid double-counting when the aggravating factors of the victim's extreme youth and the abuse of trust are taken into account.

29. It is a further major aggravating factor that you were highly intoxicated when you inflicted the fatal injuries on Atticus. Associated with this is the fact that your own efforts to save Atticus were half-hearted at best. You did not know at the time that nothing could be done to save his life, but you did not spring into action with any urgency. No doubt this was because of your drunken state.
30. I do not regard your previous, much more minor, offending as amounting to an aggravating factor.
31. I now move on to the mitigating factors, and potential mitigating factors.
32. Your assault on Atticus was not planned or premeditated, and only lasted a very short while. I am satisfied that you had not intended to harm Atticus until the very moment when you did so. You acted in a sudden fit of anger. This is not a case in which a small child was subjected to multiple assaults over a lengthy period. You were otherwise a loving parent. It is not a case in which sustained or exceptional suffering was caused to Atticus before the assault that killed him, or during the course of the assault.
33. Moreover, as I have said, I accept that, irritated and angered with Atticus though you were, you did not intend to kill him: you only intended to cause him really serious injury. However, the force of this mitigating factor is somewhat tempered by the extreme violence that you perpetrated on Atticus, a tiny defenceless child. In a tiny child like this, the dividing line between an assault that will cause serious harm and an assault that will cause fatal injuries is narrow and indistinct. In other words, when you set out to cause really serious harm, you could not be sure what the outcome would be.
34. There is no mitigating factor of remorse in your case. I accept that it is possible that, given your drunken state, you did not recall, after the event, exactly what you had done to Atticus. Nonetheless, you have known all along that it was you, and no-one else, who was responsible for Atticus's injuries. It is likely that you immediately regretted what you had done, though not so much that you were prepared to own up to it or to express remorse for it.

35. Again, there is no significant mitigation arising out of the stresses or pressures that you were under. Your relationship was going through a stable phase. It is true that you were the parent of a new-born and a toddler, and had a tiring job, but that is a position that many people find themselves in. This was not the reason that you assaulted Atticus on that fateful night. Rather, you assaulted him because you were heavily intoxicated and you lost your temper for a trivial reason connected with your frustration at his difficulty in feeding – even though you were going to be able to hand Atticus back to Ms Ballantyne in a very short while.
36. You were not suffering from a mental disorder or disability. You were not immature: you were a 35 year old man and a father of three children.
37. It is a mitigating factor that you have no previous convictions for offences against the person, and no convictions at all for any serious offending, but the effect of this mitigation is limited by the very serious nature of this offence.
38. I have been provided with a large number of very positive character references from your former partner, the mother of your daughter, your new partner and a number of family and friends. They have stressed your many positive qualities and this serves to emphasise that your actions on 16 July 2022 were out of character. They have also stressed the impact your sentence will have on your daughter, who is very close to you. A life sentence always has a very serious effect on the offender's friends and family, but the responsibility for this rests with you.
39. I recognise that the offence happened four years ago, but, given the nature of this offence, this has no significant impact upon the appropriate minimum sentence.
40. I now come to the sentence.
41. The qualifying days that you have spent in custody will count towards the minimum term for murder. The time spent in custody to date is 17 days. The appropriate statutory victim surcharge will be applied.
42. Tony Lee Bartlett, for the murder of Atticus Bartlett, I sentence you to imprisonment for life. Taking account of all the relevant circumstances, and the

aggravating and mitigating factors that I have set out, the minimum term will be **18** years, minus 17 days to take account of time spent on remand. This results in a sentence of 17 years and 348 days.

Certificate of Commendation

Finally, I wish to announce that I have issued a formal Judicial Commendation to Ms Nadine Fitzsimmons for the great efforts that she made to save Atticus Bartlett's life, in very difficult circumstances, on 16 July 2022. She deserves great praise for her calm and quick-thinking actions. She did all that anyone could have done to try to save this small child's life. Ms Fitzsimmons will be provided with a Certificate of Commendation.