



Neutral Citation Number [2021] EWFC 71

Case No: SA20C01149

IN THE FAMILY COURT
SITTING AT SWANSEA

Swansea Civil Justice Centre
Caravella House
Quay West
Quay Parade
Swansea SA1 1SP

Date of judgment: 10 September 2021
Approved for publication: 13 July 2023

Before :

MR JUSTICE MOSTYN

Between :

PEMBROKESHIRE COUNTY COUNCIL

Applicant

-and-

SINEAD JAMES

1st Respondent

-and-

AY

2nd Respondent

-and-

SH

3rd Respondent

-and-

NICOLA JAMES

4th Respondent

-and-

IY and VH

5th Respondents

(by their Guardian Karen Walton)

-and-

KYLE BEVAN

Intervener

Ruth Henke QC and Rhys Evans (instructed by **Pembrokeshire County Council**) for the **Applicant**
Paul Hopkins QC and Rhian Kirby (instructed by **Avery Naylor**) for the **1st Respondent**
Natasha Moran (instructed by **Price & Kelway**) for the **2nd Respondent**
Rhys Jones (instructed by **Graham Evans & Partners Solicitors**) for the **3rd Respondent**
Lucy Leader (instructed by **CJHH Solicitors**) for the **4th Respondent**
Claire Williams (instructed by **Hains & Lewis Solicitors**) for the **5th Respondents**
James Tillyard QC and David Crowley (instructed by **Carpenter Singh Solicitors**) for the **Intervener**

Hearing dates: 7-9 July 2021, 12-15 July 2021, 20-21 July 2021, 23 July 2021, 26-29 July 2021

Approved Judgment

.....
MR JUSTICE MOSTYN

Direction concerning publication made on 13 July 2023

This judgment was delivered in private on 10 September 2021 and was then subject to a total embargo on its publication pending the resolution of anticipated criminal proceedings against the First Respondent and the Intervener. On 21 April 2022 the First Respondent was charged with causing or allowing the death of Lola James, and the Intervener was charged with her murder.

Their trial began at the Crown Court at Swansea on 7 March 2023 before Mr Justice Griffiths and a jury. This court has been provided with a list of witnesses who gave evidence to the Crown Court either orally or by having their witness statement read to the jury. The criminal trial lasted for 4 weeks.

On 4 April 2023 they were each found guilty as charged. On 25 April 2023 the First Respondent was sentenced to imprisonment for 6 years, half of which period must be served before she can be considered for release on parole. The Intervener was sentenced to imprisonment for life with a minimum period to be served of 28 years before release on licence can be considered.

The proceedings which are the subject of this judgment have the protection of s.12 of the Administration of Justice Act 1960. Mr Justice Mostyn has decided, having weighed the competing rights under the European Convention on Human Rights, that if a person named in this judgment, other than an expert witness, did not give evidence in public in the criminal trial (either orally or by having their witness statement read to the jury), then such a person is entitled to anonymity. This includes the Fifth Respondents, the sisters of Lola James.

The judge therefore gives leave for this version of the judgment to be published subject to a strict condition that where a person is identified by initials, his or her identity must not be revealed in any report of the proceedings before this Court. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Nothing in this direction affects the right of the media to report the criminal proceedings, subject to any reporting restrictions made in them.

Mr Justice Mostyn:

1. Lola James was born on 30 September 2017. At about 06:20 on Friday, 17 July 2020 she suffered extensive injuries at her home at 4 Princess Royal Way, Haverfordwest. She was taken to Withybush General Hospital at 07:30, arriving at 07:53. From there she was taken to the University Hospital of Wales in Cardiff arriving at 11:16. She died there as a result of those injuries at 13:18 on 21 July 2020, the cause of death being traumatic brain injury.¹ She was then aged two years and 10 months.
2. Lola’s mother was Sinead James.² Her father was DT. She had two half-sisters, IY (now aged seven years and four months old) and VH (now aged two years and two months old).
3. IY’s father is AY; VH’s father is SH.
4. At the time of that tragic, fateful event, the household was made up of Lola; Sinead James (then aged 27); IY (then aged six years and four months old); VH (then aged one year and two months old); the mother’s partner of five months’ standing, Kyle Bevan (then aged 28); and Jessie, a 12-month-old American-bulldog-Staffordshire-bullterrier-cross bitch (which features prominently in the narrative).
5. The family was living in a condition of utter squalor. I have seen body-cam video from two police officers who attended the property on 17 July 2020 at 11:00. It is difficult to describe in words the scenes of filth and chaos that they depict.
6. On 23 July 2020 care proceedings were commenced by the applicant local authority in respect of IY and VH. Over 13 days in court in July 2021 (preceded by a number of days reading the material, and followed by a number of days writing this judgment) I heard that application. This is my judgment on it.
7. There was no dispute at the Bar that the statutory threshold in s.31(2) of the Children Act 1989 was crossed. There was no dispute as to the welfare outcome. It is agreed that the court should be invited to make final care orders under which IY and VH should be cared for and brought up by the mother’s own mother Nicola James, and that they should have supervised contact with the mother and with their respective fathers.³ What has occupied the court for so much time has been an exhaustive enquiry into the circumstances of Lola’s fatal injuries. I have set out in Appendices 1A – 3 to this judgment the scale of the material which I have considered. I heard oral evidence from 29 non-expert witnesses⁴, and considered the written evidence of a further 97. I heard oral evidence from four expert witnesses and considered the written evidence of a further seven. I have had to consider nearly 12,000 pages of documents.
8. I also visited 4 Princess Royal Way (now occupied by a new tenant) and was able to see for myself just how compact the dwelling is.
9. The questions I have to answer can be framed as follows:

¹ Dr Tim Lawrence, Consultant Paediatric Neurosurgeon, told me that the final fatal cause was raised intracranial pressure.

² A reference in this judgment to “the mother” is to Sinead James.

³ In the case of IY the contact with Mr Y would be indirect for six months with consideration then being given to moving to direct supervised contact.

⁴ Appendix 1A includes a précis of the oral evidence of the 29 lay witnesses.

Question No. 1: Did Kyle Bevan inflict Lola's injuries?

Question No. 2: If the answer to the first question is yes, was the mother awake in her bedroom at the time that Lola suffered her injuries but yet did nothing to protect her?

Question No. 3: Was Kyle Bevan guilty of inflicting gratuitous violence on the children prior to the fateful event?

Question No. 4: Was the mother aware that Kyle Bevan was abusing the children prior to the fateful event but yet did nothing to protect them?

10. I record that the mother accepts that her relationships with the father of IY (AY – the second respondent) and the father of VH (SH – the third respondent) were characterised by violence and abuse and that thereby the children were exposed to the real risk of physical and emotional harm. In contrast, the mother does not accept that she knew, or ought to have known, that Mr Bevan posed a risk of significant physical harm to the children. She does accept, however, that Mr Bevan posed a risk of emotional harm to them.
11. I remind myself that binding case law stipulates that in answering the questions I must avoid the use of criminal law concepts. If my answer to the first question is yes, I must not judge whether Mr Bevan is technically guilty of murder or manslaughter. Equally, while I must make, on this footing, findings as to Mr Bevan's state of mind, I must avoid criminal law definitions and descriptions of *mens rea*.
12. Similarly, I remind myself that while I will find all facts in issue by reference to the balance of probability (i.e. whether it is more likely than not that the contested fact happened), case law says that any more specific application of the laws of probability, and in particular of Bayes's theorem, must likewise be avoided.⁵
13. I have reached my decisions on the questions following analysis of three evidential spheres:
 - Sphere A: The general, wider, evidence concerning the personalities, temperaments and conduct of the mother and Mr Bevan.
 - Sphere B: The direct, specific, evidence surrounding the fateful event, i.e. the evidence about the prequel to the event, the event itself and the immediate aftermath of the event.
 - Sphere C: The expert evidence.

My findings on these spheres of the evidence, and my explanation of how they answer the questions, will be set out fully later in this judgment.

Question No. 1

14. I am satisfied that Mr Bevan inflicted Lola's injuries.

⁵ However, in my overall conclusions set out below at para 180, I state in general, non-numeric, terms my probabilistic assessment for each of the answers to the questions. I do not regard this as impermissible.

15. Mr Bevan has Asperger's syndrome and ADHD. He is an admitted abuser of (and dealer in) proscribed drugs, namely cannabis and amphetamines. He is an admitted abuser of alcohol. He has an extensive history of violence and loss of control. As the answer to Question No. 3 will show, he had meted out violence to the younger two children before the fateful event. When under the influence of drugs and drink he behaves in a grossly irrational, delusional and aberrant manner. The influence of amphetamine in particular leads to insomnia which in turn aggravates the storm raging in his mind.
16. I will explain my answer to this question in detail later in this judgment. At this point my short answer is that I am satisfied that on the night in question Lola had been with Mr Bevan in the downstairs living room of the dwelling for some hours. Something happened which triggered a frenzied attack by him on her. What it was we will never know, because the only person who does know is Mr Bevan and he is not saying. The attack was swift, furious and extremely violent. The initial blows rendered Lola instantly unconscious so that she did not cry out. The blows continued all over her body and at some point involved the use of an instrument which punctured her forehead.
17. The case on behalf of Mr Bevan is this:

“All the injuries except for a small graze and bruise across the bridge of her nose, the small bruise under one eye and a mark on her back over the left shoulder blade were caused when, at about 6.30 a.m. on the morning of the 17th July, Lola fell or was propelled by the dog from top to bottom of stairs during which she may have struck the banister at the top of the stairs, the walls on either side going down, the hand rail, the stairs themselves, the laminate floor and the radiator opposite the stairs.”

I completely reject this case. I do so fully aware that the “inherent probability” of a fall down the stairs is obviously much higher than that of the type of violent attack on a two year old child which I am satisfied happened here. Although the case law is replete with references to the “inherent probability” of an event⁶, the statistical frequency of the occurrence of an event generally is surely of very limited relevance, if any, in the determination by the court, on all the relevant direct evidence, whether that event actually happened. As John Maynard Keynes wrote in 1921: “[t]o a stranger the probability that I shall send a letter to the post unstamped may be derived from the statistics of the Post Office; for me those figures would have but the slightest bearing on the question.”⁷

18. The extent of the injuries suffered by Lola is extraordinary. I have set out in Appendix 4 the list of 100 external injuries to Lola's body recorded by Dr Lea Solman in her

⁶ See, among many other examples, *In re B (Children) (Care Proceedings: Standard of Proof)* [2009] AC 11, where at [15] Lord Hoffmann stated: “There is only one rule of law, namely that the occurrence of the fact in issue must be proved to have been more probable than not. Common sense, not law, requires that in deciding this question, regard should be had, to whatever extent appropriate, to inherent probabilities.”

⁷ *A Treatise on Probability* (1921) at p.322

report. This list derives from the medical examination of Lola on 17 July 2020 at 19:30 by Dr Nia John, Consultant Community Paediatrician.⁸

19. This list does not record the injuries to the brain. The brain was seriously injured. Neuropathological findings identified acute subdural haemorrhage, acute subarachnoid haemorrhage and acute cerebral oedema (brain swelling). The injuries to the eyes were briefly tabulated. They were seriously injured. Examination on 17 July 2020 at 17:30 revealed haemorrhages in all areas of the retina, too numerous to count and extending to all peripheries. The macula also had haemorrhages and there were retinal folds just temporal to the optic nerves on both sides.⁹
20. I have seen the photographs taken of Lola at that time. They portray far more vividly than the spare and bleak words of Dr Solman's list the extreme scale and extent of the injuries suffered by her. Ms Williams, counsel for IY and VH, has focussed on five injuries which clearly could not have been caused by a fall down the stairs. They are: injury No. 7 (three puncture wounds to bruise on central forehead); injury No. 28 (bruising to the neck); injury No. 30 (bruising to the inner helix of the left ear); and injuries Nos. 58 and 61 (two parallel linear bruises on the right thigh). These injuries just cannot by any stretch of the imagination be explained by a fall down the stairs. Indeed, Dr Solman explained to me that bruising to the ear is pathognomonic for non-accidental injury.
21. I will explain later how the experts are unanimous that these injuries could not have been caused by a domestic fall down a flight of 13 steps. None of the experts has seen injuries like this resulting from a domestic fall. They include experts who examine the bodies of children who have been fatally injured in high-speed car accidents or who have fallen from multi-storey buildings. Lola's injuries were of such a type.
22. Dr Marnerides used a striking metaphor to illustrate the degree of unlikelihood of these injuries having been caused by a fall down the stairs. He said it was the same degree of probability as being hit on the head by a flower pot while walking in the Sahara desert. While I would not use the same metaphor, I agree with his assessment of the very high degree of improbability of these injuries having been caused in an accident.

Question No. 2

23. Although the answer to Question No. 4 will show that the mother is grossly, indeed in some respects wilfully, negligent as a parent, my answer to this question is that she was asleep both while the attack on Lola took place, and during its immediate aftermath when Mr Bevan was seeking to cover up the evidence of his terrible conduct. I will in some detail later set out Mr Bevan's conduct in the aftermath of the attack.

⁸ Although the list is numbered to 101, there is no item 84.

⁹ Radiological examination also identified old fractures of the bodies of the 4th and 5th vertebrae of the chest. Both are likely to have been the result of a single event which occurred at some point in Lola's life before 3 July 2020. The expert view is that they are most likely to have been caused by the significant application of force, most likely by being forced forward bending the spine or by shaking. I have not been asked to make findings about these injuries and no oral evidence at trial was given about them.

24. It is true that for the mother to have slept through to 07:22 would have been unusual, since she would normally awake when VH stirred, and this was generally in the early hours of the morning. Further, even allowing for silence from Lola, as I have described above, the attack itself, and Mr Bevan's activities in its aftermath, would have made a certain amount of noise, which would have reverberated in such a small dwelling.
25. However, I am satisfied that notwithstanding such noise the mother was asleep throughout these events until Mr Bevan awoke her at 07:22. I will explain how in the immediate aftermath of the attack Mr Bevan sent Facebook messages to his own mother, Alison Bevan. These all referred to the mother being asleep. There was no reason for him to lie about this. Indeed a lie about this would have been contrary to his interests if in fact the mother had been awake, and he knew that she was awake.
26. Further, there was no human activity on the mother's telephone from 15:07 on Thursday 16 July 2020 until 07:26 the next morning. Both the mother and Mr Bevan are prolific users of Facebook messaging, even to the extent of communicating with each other in this way when they are in adjacent rooms. If the mother had been awake and had heard something, then in my judgment it is likely that she would have messaged somebody about it.
27. Ms Henke QC argues simply that it is impossible for the mother not to have been awake and to have known. After much deliberation, and for the reasons that I will set out in greater detail below, I do not agree.

Question No. 3

28. I am satisfied that Kyle Bevan was guilty of inflicting gratuitous violence to Lola and VH prior to the fateful event.
29. At my request, junior counsel for the local authority, Mr Rhys Evans, prepared a schedule which summarised the injuries suffered by Lola and VH since the arrival on the scene of Mr Bevan. That is attached as Appendix 5 to this judgment. I am satisfied that it accurately records the incidents.
30. Prior to the arrival of Mr Bevan on the scene in February 2020 these children had not suffered injuries other than normal childhood knocks and scrapes. After his arrival there was a sequence of injuries suffered by Lola and VH which go far beyond normal childhood knocks and scrapes. I am satisfied that these were inflicted by Mr Bevan. Regrettably, he does not appear to have any boundaries when it comes to controlling his anger. When in a state of uncontrolled anger it is clear to me that he has meted out gratuitous violence to Lola and VH. I have no doubt that the cause is a combination of his personality, his psychological condition, and the abuse of drugs and alcohol.
31. I recognise that the violence meted out by Mr Bevan as described in Appendix 5 is of a completely different character and degree to that inflicted in the fateful event.

Question No. 4

32. I am satisfied that the mother was aware that Kyle Bevan was meting out gratuitous violence to Lola and VH but yet did nothing to protect them.

33. I will explain how the mother was plainly, from the very moment that they established their ill-fated relationship via Facebook, besotted by Mr Bevan and was under his spell. This is not to say, of course, that she was robbed of her autonomy and free will. By the mid-morning of Friday, 17 July 2020 the mother had clearly formed the view that the injuries suffered by Lola could not have been caused by a fall down the stairs. This is shown by a transcription of a call between the mother and DT at 14:00 on 17 July 2020 where the mother states “I don’t believe she’s got any of them from [indecipherable, presumably ‘falling’] down the stairs.”
34. Yet, not only did she agree with Mr Bevan an innocuous and non-incriminating story to be given to the police but she went further in her police interview and comprehensively whitewashed Mr Bevan, even to the extent of telling deliberate lies about aspects of their history together.
35. The mother’s infatuation with Mr Bevan led her from an early stage to a condition of wilful blindness to his mistreatment of her children. It would seem that she tolerated the low level violence inflicted by him on Lola and VH, as described in Appendix 5. With the benefit of hindsight we can now see the events in the spring of 2020 vectoring to their tragic denouement on 17 July 2020.
36. I am satisfied that the mother knew, or ought to have known, that Mr Bevan represented a serious risk to her children and that she did not take any steps to protect them from that risk.
37. Having given my answers to the questions in summary form I now turn to my analysis of the evidence as prefigured above in para 13..

Sphere A: The wider, general evidence concerning the personalities, temperaments and conduct of Kyle Bevan and Sinead James.

Kyle Bevan

38. In their closing submissions Mr Tillyard QC and Mr Crowley correctly wrote:

“It is well recognised that children and adults with ADHD have a higher prevalence of anti-social behaviour than the rest of the population. This can include a defiance of authority figures and angry outbursts. They are often impulsive, touchy, defiant and easily annoyed by others. Those with Asperger’s have poor social interactions.”

39. There is a substantial body of evidence that describes such traits in Mr Bevan. Indeed that evidence suggests that Mr Bevan’s daily life is a hair-trigger existence where the slightest pressure can ignite a storm of rage and fury. Alongside this syndrome is a pronounced and most unpleasant streak of malignancy. I heard evidence from Mr Bevan’s mother, Alison Bevan. Mr Bevan’s treatment of her beggars belief.

Mr Bevan and his own mother

40. Alison Bevan explained in disarmingly frank evidence that her son had a history of drug abuse going back to his teenage years. This abuse was in full swing when aged

19 he formed a relationship with HM, then aged 15. I deal with that relationship below.

41. Alison Bevan explained to me that her son had always had an anger problem with her. Fury would erupt when she would not provide him with money or with prescription drugs which he expected her to steal for him from the nursing ward on which she worked. This had been going on for years. If she did not comply he would foully abuse her calling her, among other things, an ‘ignorant cunt’. She explained that when he loses his temper there is shouting and screaming, intimidation and loss of control. When out of control and raging he had threatened to kill her. This had happened on four or five occasions.
42. On a number of occasions he lost his temper with her because she did not comply and “trashed” her property so badly that she had to move. She was asked: what was the trigger? Her reply was:

“If he can’t get any money. He’s very very impulsive, that’s no excuse for his behaviour, I know that, that’s part of his condition, that’s what I was told, that’s what we were struggling with as a family, never his dad, always towards me. I think he blamed me a lot for working and leaving him with his dad which wasn’t a very good relationship. But I moved many a time and I always felt he was my son, I need to be putting up with it. It wasn’t something, now after having many interviews, I know the behaviour was wrong.”

43. I have read a substantial sequence of Facebook messages between Alison Bevan and her son from July to November 2020. They entirely bear out the evidence given to me by Alison Bevan. The abuse meted out by Mr Bevan to his mother is scarcely imaginable, but it is there in black-and-white. He is continually badgering her either to steal drugs for him or to give him money. This is notwithstanding that he receives, apparently, £1450 a month in Universal Credit. For example, on 10 September 2020 Alison Bevan explains that she has literally no money to give to her son. She texted “Kyle I haven’t got a penny I gave it all to you yesterday and I work I’m not ignoring you”. Mr Bevan’s response was “Fuck you then fuck yourself horrible cunt”. This is merely illustrative of what is objectively an appalling sequence of abuse.
44. I entirely accept the evidence of Alison Bevan. She was an excellent witness answering each question whenever she could either yes or no and not being afraid to make concessions. Her description of the hair-trigger volatility of Mr Bevan, of his drug dependency, of his abuse, threats and violence, all ring very true. The picture that she painted of her own son treating her with such contempt and malevolence was truly disturbing.

Mr Bevan and HM

45. The relationship between Mr Bevan and HM produced a child, E, who was born on 1 February 2014. It is clear that the relationship was extremely volatile, involving much misuse of drugs (to which Mr Bevan introduced HM) which in turn led to repeated arguments and altercations. HM described to me how Mr Bevan was controlling and violent, and seemed to become ever more abusive to her as the pregnancy progressed.

She recounted an incident when she went for a shower, left a bottle for E in the room for Mr Bevan to feed her with, and returned to find he had turned their room upside down. She described how the sound of E crying flicked a switch in him: in response he would punch walls and kick doors. On two occasions the police were called. She described how the arguments were incessant.

46. There was social services involvement in relation to E. The concerns were the drug abuse by both parents; mental health issues for both parents; and unpredictable behaviour and aggression on the part of both parents.
47. By May 2015 the relationship was over.
48. I accept the evidence of HM. Again by her evidence a clear picture is painted of someone who is susceptible to exploding on the application of the slightest pressure; of someone whose rationality is grossly impaired by his psychological condition aggravated by the abuse of drugs; and of someone who cannot control his innate strong streak of malevolence.

Mr Bevan and Mr AY

49. I heard evidence from IY's father, AY. I agree with Mr Tillyard QC that I should approach his evidence with caution.
50. AY gave evidence that he witnessed a violent incident at a bus stop where Mr Bevan is said to have attacked a number of members of the public. He says the police arrived, detained Mr Bevan and took him into custody. Mr Tillyard QC points out that if this were true there would be some record of it in the disclosed police records relating to Kyle Bevan. But there is nothing there at all. Mr Tillyard QC submits that AY may not be a reliable witness of the truth and it is possible that his mental health has had an impact on his ability to recall past events.
51. AY said that he would try to produce the Facebook messages that he referred to in his evidence by accessing the old and now dormant account from which they were sent and received, but I was told that he was unable to gain access to that account.
52. My note of AY's evidence is:

“I went to school with Kyle when I was 15, he was quite an aggressive person at school, even after school he was selling drugs on the Mount, he used to sell spice, I knew him as quite a dangerous person to be around, he was violent and had a very big history of drug abuse. I was frightened to go into his company. I had seen him be violent on a couple of occasions. The main incident I saw of Kyle being violent was one Christmas, I can't remember what year, about 5 years ago. I was down the bus stop with IY funnily enough and Kyle was off his head on something, I don't know what it was, and he approached 5 different people in the public bus stop and was violently trying to fight with them, throwing punches, punching the bus stop, so I rung the police and he was arrested, the police

officers had to restrain him because he was very aggressive. I don't know what he was on.

I warned Sinead of what Kyle was like when I found out they'd got into a relationship. I told her I'd seen that act of violence when he was off his face on drugs. Also I knew he was selling drugs when he lived on the Mount Estate in Milford. I felt he wasn't safe to be around her and the children, she chose to ignore that and he threatened me when I warned her. ... The way he turned on adults, if you can do that to an adult you can do it to children. But I haven't seen him do anything to a child.

From the minute I warned her I was then not to see IY and I had a threatening message from Kyle he wanted to come to my address and fight me, I diffused the situation and said if he did turn up I would call the police. This was about 3 days after I found out they'd been in a relationship, when they'd first got together in February.”

53. I am satisfied that some form of violent incident took place. I agree that it is surprising that there is no police record, but I am not altogether satisfied as to the completeness of the material provided by the police. I do not believe that AY has lied about this episode. It does seem to be characteristic of the personality of Mr Bevan and of the conduct to which it gives rise. I agree with Mr Tillyard QC that I should not draw any decisive inference from this episode; and I confirm that my decision would not be any different if I am wrong about it.

Mr Bevan and the mother, Sinead James

54. Mr Bevan and the mother began their relationship on 18 February 2020. They met through Facebook on that day. They did not know one another beforehand. Although it is scarcely credible, by the evening of that very day Mr Bevan had moved into 4 Princess Royal Way, and each of them had changed their Facebook status to say that they were in a relationship.
55. When I come to look at the evidence surrounding the fateful event I will be examining a number of incidents in this period. For the purposes of this part of the judgment I focus on incidents that throw light on the personality and disposition of Mr Bevan.
56. Mr Bevan was not merely a user of drugs but a dealer also. The mother was well aware of this practice and tolerated it. The record of Facebook messages between Mr Bevan and the mother show clear references to drug dealing starting on 14 April 2020. There are also messages boasting about drug use. For example on 3 May 2020 at 21:52 Mr Bevan messaged Sinead James saying “I had a huge bomb earlier”. A bomb is a quantity of amphetamine wrapped in a cigarette paper which is then swallowed. Similarly, on 5 July 2020 at 21:10 Mr Bevan messaged the mother saying “there's a bomb down here for you. Did keep it for you earlier on. Only if you want it”.

57. On 12 May 2020 Mr Bevan sent the mother an exchange of Facebook messages between him and a customer, S, berating him (S) for purchasing drugs from another dealer, B, and not from him. In the exchange Mr Bevan states to S¹⁰:

“Introduced you to [B] you didn’t know him properly and now all your sales are going to him what’s wrong with me and Sinead we meant to be mates ... leave it at that or I’ll come meet you now and we’ll sort this out proper I’m fucking frothing you cunt.”

58. The drink and drugs were taking their toll. On 15 May 2020 between 09:22 and 09:53 Mr Bevan sent messages to the mother:

“It wont be im nothing like that i had a dodgy tablet and drinking thats not me like xxx ...

Im genuinly sorry if i scared u or kids i wasnt in control of my body honestly didnt know what i was doing xxxx ...

Wont be drinking for a long time xxx ...

Im cleaning up now and feel like a monster thats all xxxxx.”

59. On 16 May 2020 at 10:42 Mr Bevan sent Lola’s father, DT, a Facebook message:

“Im dangerous am i yeah, you will see lola when shes 16 im moving aswell to little to late lola dont need you and your bullshit and your bullshit friends! She can make her mind up when shes 16 weather she wants to see you or not.. have a good life.”

It is very telling how controlling Mr Bevan had become in the life of the mother and the children.

60. On 11 June 2020 at 22:31 the mother sent Alison Bevan a Facebook message stating that Mr Bevan was taking a taxi to her home as “he’s grabbed me so I’ve told him to go to yours sorry.” At 22:45 the mother told Alison Bevan that Mr Bevan had been drinking whisky.

Mr Bevan and Casey-Leigh Morgan

61. At this point I refer to the evidence of Casey-Leigh Morgan. She has known the mother for 12 years and considers her to be her best friend. In her written and oral evidence she made it clear that she considered Mr Bevan to be not merely unsuitable as a partner for the mother but a danger to the children. In her written statement she stated that she told the mother not to bring him to her home because she did not want him around her own children. In her oral evidence she expanded on this. She stated that she did not like his drugtaking or his personality. Specifically, she did not want him around her children because of his drugtaking: she was aware of the use of amphetamines, Xanax and cannabis.

¹⁰ Wherever I have quoted from a Facebook message I have reproduced it verbatim, without any grammatical or spelling corrections.

62. Ms Morgan described an incident in June 2020 when the mother telephoned her at 22:00, screaming that she (Ms Morgan) had to come and get the kids because Kyle was smashing things up in the flat. Ms Morgan observed that the mother sounded drunk. She met the mother with the children at the leisure centre. The children were in dirty, stinking clothes. Ms Morgan took the children back to her own home. She telephoned Nicola James, who joined them all at Ms Morgan's home. Meanwhile, the mother returned to Mr Bevan at 4 Princess Royal Way.
63. Ms Morgan described an incident on 1 July 2020 where the mother came to Ms Morgan's home and stated that Mr Bevan was "off his head on drugs". The mother described how she was losing control over her life: she could not control who came to her house; she could not control what she could do. She had no telephone as Mr Bevan wouldn't let her get one – she used her tablet device to communicate with friends.
64. Ms Morgan described how on 4 July 2020 the mother messaged Ms Morgan to say she needed to come over immediately. On arrival she pointed out a chipped tooth and explained that Mr Bevan had been head-butting the doorframe thereby frightening the dog which jumped up and chipped her tooth. Ms Morgan doubted the story.
65. On 7 July 2020 a further troubling incident took place which Ms Morgan described in her statement as follows:

“On the 7th of July Sinead messaged me on Facebook. She seemed in good spirits, we were having a laugh and just talking crap on Facebook. At 10:07 Sinead messaged me asking if she could come over with Lola and VH. IY was at school. I called Sinead and spoke to her on the phone. She asked for a pack of fags. I could hear Kyle shouting in the background "I'm not a nonce, I'm not a nonce. I'm not a rapist". I told her to hurry up, leave the house and get to mine. Sinead then tried calling me 3 times to let me know Kyle was walking up to mine with her. She messaged saying "stick the kettle on and make a fuss of Lola. she coming up on her electric bike". I've allowed the officer to take a screenshot of the message. I produce this as my exhibit CM/3. Everyone was still in bed. I went downstairs and put the kettle on.

An hour must have passed and Sinead was still not here. I went out for a fag. As I got to the door Kyle was outside with VH in the pram. He came in to the house, went through the living room into the kitchen, grabbed the fags and walked out. VH was still outside in the pram on her own. Kyle got outside, I could see he was off his face on drugs. He shouted "fuck it" and pushed VH in the pram into the road. He didn't care, he just pushed it. I had no clue what was going on then I saw Sinead coming round the corner with Lola. Sinead jumped onto the road and grabbed the pram, she walked up to mine and came inside the house. At this point Kyle was at the bottom of the road. I watched him, he was sweating, foaming round the mouth. I grabbed my fags from the living room. Sinead walked

through the house and sat in the living room. Within seconds Kyle walked in through the living room and into the kitchen. He was loud, pacing. I shut the living room door and told Sinead "get him out of my house now". There was awkward tension between Kyle and Sinead but no arguments.

Lola was very quiet that day which I thought was unusual. Sinead and I went out the back for a fag. Kyle came outside too. He said "I told you I was going to humiliate you and belittle you". I was saying to Sinead his behaviour was not normal. All she said was "I know". Lola was in the kitchen, watching this. She sat on the floor and watched me, she would not move or leave my side. Normally she's pulling my curtains down or grabs a yoghurt from the fridge but not on that occasion. Kyle was still going on saying Sinead didn't want sex with him that morning. He said "before it gets blown out of proportion, yes I did go to grab Sinead around the throat. How do you expect me to have a wank with three kids in the house."

That was the final straw for me. He went off on one, I told him and Sinead to get out of my house. I basically threw the pair of them out of the door. Lola and VH stayed with me. I now identify certain aspects of Mr Bevan's behaviour on 17 July 2020 which throw light on his personality and disposition."

66. Ms Morgan confirmed this incident in her oral evidence.
67. Ms Morgan was a plainly honest witness. She vividly describes Mr Bevan as a man who, when under the influence of drink and drugs, would completely lose control. This would happen frequently. When not actually out of control he would be a hair trigger away from losing it. And when out of control he would be capable of more or less anything, as events later demonstrated.

Mr Bevan's conduct on 5, 7, 9, 10 and 11 July 2020

68. A further aspect of the many flaws in the personality of Mr Bevan is that he was fixated with jealous thoughts that the mother was secretly liaising with SH. On 5 July 2020 in the early hours of the morning Mr Bevan sent the mother screenshots purporting to show her talking to SH via email. The argument continued throughout the day with many exchanges going back-and-forth. Mr Bevan was abusing the mother calling her a "horrible sly cunt", a "fag whore" and a "lying cheating childish cunt". It is clear that Mr Bevan had hacked the mother's email account and sent fake emails purportedly from her to SH. Indeed, in an inadvertent slip in the course of the furious exchanges Mr Bevan admitted that he had posed as the mother. In the course of the exchanges the mother made it abundantly clear to Mr Bevan that the relationship was over and that he should get out of the lives of her and the children and leave the house. The argument continued until 7 July 2020, its iteration on that day immediately preceding the events described in para 65. above. At 09:20 Mr Bevan messaged the mother saying:

“You've properly made me feel like you don't care... YOU WON'T EVEN FUCKING TOUCH ME. I GOT NEEDS LIKE EVERY OTHER MAN.. I tried yesterday as well didn't even want me to come to bed... How do you think I feel.”

69. On 9 July 2020 the incident at No. 6 of Appendix 5 took place. Casey Morgan described it in her statement thus:

On the 9th of July 2020 Sinead rang me in the afternoon saying "Lola smashed her nose up", I asked if she wanted me to come over and she told me Kyle was dealing with it.

I asked how it happened and Sinead told me Lola was on the sofa in the living room, the dog jumped up and Lola fell off and onto the coffee table. I haven't been in Sinead's house for so long but I'm guessing the table is right in front on the sofa. I asked Sinead if Lola bled and she said "No". Apparently Kyle had video- called his mother who apparently is a nurse and she confirmed Lola was fine.

Some 3/4 hours after Sinead rang me on video call. Lola was in the call too. I could see two marks on Lola's neck. They looked like two fingers had gone and scraped on right side and one finger on the left side. Lola had two black lines going across the nose already. The bit underneath Lola's eyes started to bruise. To be honest it looked like she had been headbutted. Her nose was swollen but she appeared fine, didn't look scared of anybody. She was fine. I tried to get Sinead to bring the children to mine. I wanted to make sure they were okay and she eventually came over with the three girls and Kyle. Sinead told me she was gonna ring the doctor about Lola's injuries. I told her to check the child through the night.

My nan EM was here and she heard the conversation. She told Sinead and Kyle to take Lola to the doctors. Nan is not a nurse and would have no idea about medical stuff like that.

I checked Lola and gently touched her face and asked if it hurt, Lola said "No". I asked her to pull her tongue out - she looked dehydrated so I gave her a drink and she carried on as normal. She played with my kids for a while and they all left same time as my nan.

I phoned nan later and asked her what she thought about Lola's nose. She said that it didn't look like it was an accident and said she would be speaking to Nicky. [Nicola]”

70. I have already found that Mr Bevan gratuitously inflicted violence on Lola on this occasion. I reject his story that the dog knocked Lola off the sofa onto the coffee table. He admitted that the event took place in the middle of the night and that he had been taking drugs. In a message to the mother on 11 July 2020 at 16:20 Mr Bevan stated “I

wasn't watching her on sofa I was getting her a yoghurt". The configuration of the dwelling is such that there is no view of the living room from the kitchen. They are separated by a corridor. Under cross-examination he admitted that he did not see the dog push Lola off the sofa. He stated "but you can hear the footprints really easily."

71. None of this is credible.
72. I am satisfied that in the early hours of 10 July 2020 Mr Bevan had Lola under his control. He was high on drugs. He lost control for an unknown reason and struck her in the face causing bruising to her nose. That injury was still visible a week later. It is clearly visible in a photograph taken by Mr Bevan on 16 July 2020 at 22:37.
73. That incident was a harbinger of the terrible events which occurred one week later.
74. I now turn to certain aspects of Mr Bevan's conduct on the fateful day itself, Friday 17 July 2020.

Mr Bevan and the staff at Withybush General Hospital

75. At about 09:30 on 17 July 2020 at the Withybush General Hospital Mr Bevan, the mother and Nicola James were spoken to by Sister CG and Dr Nicola Drake. In her statement Sister CG stated:

"As Kyle was explaining what had happened he was very clam (sic) in his behaviour, it was only when he noticed that Dr Drake was writing down what he was saying he went from being very calm to immediately very aggressive towards Dr Drake and I. It was explained to him that notes are always taken in circumstances like this, but he continued to be rude and aggressive swearing and saying something like "What the fuck are you writing down? I am going to get that paper and rip it up". He continued his rant at us by saying something like "You have told me a lie, you've been lying to us all". He has then said that he had another child that was taken away from him about a year and a half ago. Kyle continued to state that he had dyslexia and that they believed Lola had dyslexia as she was always falling over."

76. This behaviour is bizarre but illustrative of the hair-trigger personality of Mr Bevan. Subsequent events on that day reinforce that view.

Mr Bevan and DT

77. At about 10:14 on that day Mr Bevan provoked a furious argument with Lola's father, DT, which involved many Facebook messages. The argument took place while Mr Bevan was walking with the mother back from the Withybush General Hospital.
78. The thrust of Mr Bevan's messages is that DT was for some mysterious reason responsible for the fateful events. The two men knew each other - they had been at school together. Mr Bevan began the exchange with this message:

“Your a waste of spunk you useless cunt when I come to milford later im banging you out useless cunt Ive walked here she's not even my daughter .. fuck you wind me up”

79. In the course of this exchange, which is completely inexplicable to me, Mr Bevan called DT a cunt and a prick (and DT responded in kind). Mr Bevan then offered to fight DT. All this was at a time when Lola was fighting for her life.

Mr Bevan and the police

80. At 11:00 PC RM and PC MD attended 4 Princess Royal Way to “secure the property”. I will have more to say about this later in the judgment. What is clear for the purposes of this part of the judgment is that for about 10 minutes Mr Bevan refused the police officers entry. Once inside Mr Bevan was exceedingly hostile and obstructive to, and truculent and non-cooperative with, the officers. He would not even give his name. He claimed not to live at the property. PC RM describes him in a call to the police station as “very obstructive”. Mr Tillyard QC fairly points out that within about 20 minutes Mr Bevan is laughing and joking with the officers. That may be true, but the initial aggression and truculence is in my judgment highly significant.

Mr Bevan and DR

81. At 13:00 on that day Mr Bevan messaged DR, a neighbour:

“Just for record I did got to hospital you shit stiring cunt ... Youknow fukall so stay out of it and out lives...She's stabe and fine now and wasn't me or Sinead she fell diwn the stairs playin g with dog... Dogs gone now aawell we gave it away so do me a favour you fat smelly rat... Fuck off”

82. My note of the evidence of DR is:

“Q: What had you done to get that reaction?”

A: I messaged Tracey [Taylor, another neighbour], I heard shouting outside and Sinead with the police outside the front door, she was shouting to Kyle open the door. I messaged Tracey to see if she was ok. I had not spoken to Kyle that day. I had not sent him any message by that point.

Q: That message, was it typical or out of character?

A: He was like that all the time towards me, he took an instant dislike to me I think. I have no idea why.”

83. Again, the grossness of this abuse, which appears to be entirely gratuitous, tells me a lot about the hair-trigger personality of Mr Bevan.

Conclusion as to Mr Bevan’s personality, temperament, conduct and disposition

84. The general, wider, evidence which I have read and heard, some of which I have set out above, concerning the personality, temperament and conduct of Mr Bevan satisfies me that the attack which I am convinced that he inflicted on Lola was not inconsistent with what I know about his character. On the contrary, what I have learned about his disposition leads me to conclude that the violence which was inflicted that morning on that little girl was not unpredictable. As I have said above, the application of hindsight leads me to conclude that the circumstances in the spring of 2020 were all vectoring in on that terrible denouement.
85. In their final submissions Mr Tillyard QC and Mr Crowley wrote:

“We do not suggest that our client is a nice man. He clearly isn’t. Apart from Sinead James, no one seems to have liked him other than his mother and brother, and even his mother has her reservations.”

I do not think that a description of Mr Bevan as someone who is not “nice” comes close to capturing the extent of his psychological flaws, his malevolence, his inability to tell right from wrong, and his brutality.

The mother’s personality, temperament, conduct and disposition

86. I have already explained that by the time she formed a relationship with Mr Bevan on 18 February 2020 the mother was living alone with three children by three different fathers. She had only recently split from SH. I have stated above how by any objective standards the formation of her relationship with Mr Bevan on 18 February 2020, moving from being strangers to cohabitants in the space of a few hours, is almost impossible to comprehend. It does demonstrate an extreme neediness on the part of the mother and a readiness to surrender basic responsibility in order to fill her needs.
87. The mother has been assessed as having an IQ of 74, placing her in the bottom 4th percentile of the general population. The psychological assessment of her by Professor Gray states:

“Ms James told me on a number of occasions that she always tried to please others and had a strong tendency to place other people’s needs above her own. She also repeatedly said that she did not like confrontation and would avoid this whenever possible, stating that confrontation had made her feel frightened and scared. She would therefore merely accept the demands, needs, or unreasonable behaviour of other people around her, reportedly submitting to what they wished her to do (e.g. taking amphetamine despite this repeatedly making her feel ill and vomit; drinking alcohol when she reportedly did not really want to; passively accepting Mr Bevan’s refusal to provide his personal details for her domestic violence advocate to be able to complete background checks upon him, etc). These personality characteristics of submissiveness and avoidance of confrontation are not what are needed when one has to stand up to a potentially violent, aggressive, or manipulative new or existing partner. However, in my opinion, Ms James most

probably did not fully understand this and had instead formed short-term decisions and had acted upon whatever was happening at the material time, taking the route of least resistance.

In my opinion, Sinead James would probably not have formed any real conceptual understanding of the potential consequences of passively accepting the short-term gains (e.g. of avoiding confrontation) rather than acting on the long-term benefits of thinking about the potential risks over the longer term and ensuring the future safety of her children and herself.”

88. I fully accept this evidence, which was not challenged. It replicates the view that I have formed of the mother independently.
89. Prior to the formation of her relationship with Mr Bevan, the mother’s neediness and her avoidant, passive and compliant personality led her to form at least two relationships which were dangerous to her children.
90. Her relationship with AY was entirely dysfunctional. AY has convictions for 24 separate offences. IY was born on 25 March 2014. Less than a month later, on 19 April 2014, AY committed the offences of sending a communication conveying a threat, possessing a bladed article and criminal damage. Within that relationship drug abuse was rife. Matters continued to deteriorate seriously. On 23 April 2015 Pembrokeshire County Council applied for a care order in respect of IY. The mother accepted that the statutory threshold was crossed. She admitted that the relationship was beset by violence and abuse. The proceedings were resolved by the making of private law orders whereby IY was to live jointly with the mother and her own mother Nicola James.
91. In January 2017 the mother fell pregnant with Lola. The father was DT. They did not cohabit. Lola was born on 30 September 2017.
92. One month after Lola’s birth the mother formed a relationship with SH. They had known each other for many years and had been talking online. This was a further dangerous liaison. SH had numerous offences and had served time in prison. His prison sentences had included one of 42 months for grievous bodily harm committed on 4 June 2015. The mother says that SH received a further prison sentence in 2018, being released in July of that year. In August 2018 the mother fell pregnant by SH and VH was born on 10 May 2019. By July 2019 the mother was claiming to the health visitor that her relationship with SH was over and that he had returned to his hometown of Swansea. However, the relationship was soon rekindled. Reports indicated that it was blighted by violence and abuse. There were suspicions that drugs were being supplied from the family home. Things reached a head on 4 January 2020. On that occasion the mother, SH and the three children went to Nicola James’s home to celebrate Nicola’s birthday. Other than SH the participants were all women. SH drank heavily all day and became extremely violent and abusive; it would not be an exaggeration to say that he went berserk. He smashed up the house, assaulted at least one of the women, made threats to kill and, once the police had arrived, resisted arrest and had to be handcuffed and bodily removed from the premises.

93. Although the mother had made a statement to the police in support of serious charges against SH, on 14 January 2020 she withdrew it stating in a further statement:

“This statement is in relation to an incident that occurred at 97 City Road, Haverfordwest at approximately 21:45hrs on the 4th January 2020. I provided a statement at the time to PC R and following consideration I now wish to withdraw this statement and any complaint I made at the time in relation to police action being taken against [SH]. Although I made allegations in my initial statement I felt under pressure from my family to make that statement and if it was not for them I would not of even spoken to the police. My family and friends have never liked him and have always looked for a way to get rid him. Therefore my reasons for withdrawing my statement are as follows; having had time to think and reflect and I have made this decision in the interests of my children and no one has put me under any pressure to retract my statement. I haven't even discussed the fact that I'm withdrawing my statement with any one else. I feel that not having contact with [SH] is affecting my children. They are constantly asking for him and when they are going to see him next, especially at bedtimes. [IY] who is not his daughter has a very good relationship with him and she is missing him the most. I feel that [SH] has learned his lesson and as I have now ended the relationship with him I'm not planning on seeing him face to face again. I just want to move on with my life, do up my house and focus on myself and my children.”

94. Although SH's bail conditions forbade him from having contact with prosecution witnesses, including the mother, he persuaded her to meet him in Llanelli. Thus, on 4 February 2020 mother travelled there by train with the three children, a journey of over an hour, and met him. The relevant entry in the agreed advocates' chronology describes the subsequent events thus:

“M meets with SH at Play King, Llanelli whilst he is on bail. She takes the children with her. She says she was scared of him so agreed. M also telephoned her mother and Casey that day to attempt to persuade them not to support a prosecution of SH at SH's behest. M and SH also had food with the children after Play King and both consumed alcohol. M says that SH managed to persuade her to stay at his father's flat with him and the children. M says that IY was wanting to go and, *'it was easier to just agree to this'* and SH drank on the train. No one was at the flat and VH was put in a travel cot. SH became argumentative, told M he was going to hit her and told her she had to leave. M contacted her aunt, SD who collected her from Carmarthen after her aunt L paid for a taxi from Swansea to Carmarthen. M out in the cold after 1:00am with the children.”

95. SH's father's flat was in Swansea, in Eaton Crescent. Therefore the mother, SH and the three children took another train journey, of about 40 minutes, from Llanelli to

Swansea. The children were bedded down in that flat but after more drinking an argument inevitably erupted and the mother and the children found themselves in the street in the early hours of the morning.

96. By any objective standards the mother's conduct is completely incomprehensible, save that it does demonstrate her unconstrained subservience to dangerous men, and her inability to protect her children from the resultant situations of great peril. To be sure, the mother has to bear responsibility for the perilous situations in which she repeatedly finds herself.
97. A mere eight days after this incident the mother met Kyle Bevan, formed a relationship with him, and began cohabitation with him.
98. Although I have answered negatively Question No. 2, the evidence which I have read and heard, some of which I have set out above, amply demonstrates why the answer to Question No. 4 is yes. I have to say that is hard for me to see any circumstances in which the mother should be allowed to have care of, or unsupervised contact with, IY or VH for many years yet. She represents a gross risk to her children.

Sphere B: The direct, specific, evidence surrounding the fateful event.

99. My analysis of these events starts in the afternoon of Thursday, 16 July 2020.
100. The agreed entry in the advocates' chronology for that day states:

“13:30 – 15:30: M left [VH] with KB whilst she went to the park with [IY] and Lola. When she returned, VH was crying which KB attributed to the dog having knocked her over when it heard the door – she had a red mark on the side of her chest from where the dog apparently hit her.”

This is injury No. 7 in Appendix 5. I have already found that this was another instance of injury inflicted by Mr Bevan. On 21 July 2020 the mother spoke to a social worker, CM, about this injury. I am satisfied that the mother suspected at the time that the injury was non-accidental.

101. The records of Mr Bevan's telephone usage shows that at about 16:00 he purchased drugs from a dealer. Under cross-examination he admitted that he purchased cannabis. He admitted that he smoked the cannabis, took amphetamine and drank 10 cans of Carlsberg that night. He alleged that the mother also took amphetamine although he accepted that he did not actually see her doing so.
102. At about 18:00 VH was put to bed. The mother was upstairs de-nitting her own hair. When that was completed she remained in her own bedroom. IY and Lola were downstairs with Mr Bevan. The children changed into pink fairy dresses. Lola put sticky transfers on her arms. Between 22:24 and 23:02 Mr Bevan took 13 photographs of the children. Some of these he then photoshopped. The photographs show the children colouring-in or otherwise playing. In none of them do they appear to have any fear of Mr Bevan. In a photograph taken at 22:37 the bruising to Lola's nose referred to above at para 72. is clearly visible.

103. At 22:26 Mr Bevan messaged the mother:
- “Actually enjoying myself painting bare with me she’s gonna kick off lol xxxxx”.
104. Set against this scene of domestic tranquillity is the evidence of the next-door neighbour GH. Notwithstanding his deafness he heard knocking and loud music coming from No. 4 together with “muffled” shouting between a male and female which got louder during the evening. The music continued to play until 00:30 - 01:00. In contrast the neighbour on the other side, Tracey Taylor, heard nothing. It is not necessary for me to make a finding about this evidence.
105. At about midnight Lola was taken by Mr Bevan upstairs to go to bed. In his second police interview Mr Bevan stated that Lola climbed up the ladder to the top bunk in her bedroom (which did not have a mattress) but fell off and banged her head, causing her to cry out. The mother’s evidence was that she heard a bang, Lola exclaiming “ow” and then starting to cry. The mother went to investigate and was told what had happened by Mr Bevan. As VH had awoken Mr Bevan went to get her bottle from downstairs. Mr Bevan also claims that he changed Lola’s sheets which were soaking wet.
106. The mother called IY to come up to go to bed. This duly happened. All three children were therefore in bed. The mother recalled that Mr Bevan stated that he was going to return downstairs for a cigarette. The mother returned to her own bed and fell asleep.
107. Mr Bevan claims that he shut the child safety gate in the doorway of the bedroom of Lola and VH. However, he claims that Lola knew how to open the gate.
108. It is indisputable that Lola was downstairs with Mr Bevan, wearing nothing but a nappy, at 04:26 on what was now Friday, 17 July 2020. This is because Mr Bevan took a photograph of her at that time. The photograph is of her back. The nappy can be seen. More significantly, there is a clearly visible weal on the left-hand side of her back running from the left-hand side of her neck to just under her left armpit.
109. In his interview with the police, and in his evidence to me, Mr Bevan explained that he heard Lola playing in her bedroom at that time and called her down. He explained that he had been watching boxing on television. He explained that Lola was sick at some point in this phase, although he could not recall if her vomiting was before or after he took this photograph. He also explained that he gave her Calpol.
110. Mr Bevan’s initial belief was that the mark was a rash. Later, his case was that it had been caused when Lola fell off the bunk.
111. Mr Bevan stated under cross-examination that, although he could not really remember fully, he believed that after he had taken the photograph, and after Lola had been sick, she put on a Frozen onesie. The relevance of this is that when the property was searched by the police the onesie was found in the living room. It was soaking wet, had vomit in the hood and also bore many bloodstains. Under cross-examination Mr Bevan was not able to explain any of this beyond saying that he did not put the onesie on her.

112. At 06:18 Mr Bevan made a search on Google Chrome from his telephone for an “amazing 3D realistic tattoo”. The evidence shows quite clearly that this was a new search by Mr Bevan. However, his case is that this was not a new search but was an old search which had not been closed but which he revisited in passing when attempting to Google what he should do when a baby was unconscious. His evidence was that by 06:18 Lola had already fallen down the stairs and was unconscious and that he was attempting to find out what to do on Google. The problem with this story is that a full 14 minutes elapses between the tattoo search at 06:18 and 06:32 when Mr Bevan found and clicked on Loss of Consciousness within HealthyChildren.org. If the fall down the stairs and loss of consciousness had happened before 06:18 the delay in doing anything about it would be impossible to understand.
113. I am satisfied that at 06:18 Mr Bevan made a new search for the tattoo. At about 06:20 Lola did something which provoked Mr Bevan into the frenzied attack which I have described above at para 16.. At the time she was wearing the onesie. As a result of the attack the onesie became bloodied. Lola was instantly rendered unconscious.¹¹
114. Mr Bevan immediately realised the enormity of this appalling deed. He took Lola to the bathroom where he sought to wash her. Certainly, at some point the sticky transfers were washed off. In the process the onesie became soaking wet. Mr Bevan dressed Lola in a red fleecy top and orange leggings. He did not put on a fresh nappy. At 06:38 and 06:39 he took photographs of Lola thus dressed. These photographs show gross bruising to her head, particularly to her forehead.
115. By now nearly 20 minutes had elapsed since Lola had fallen unconscious. Yet Mr Bevan had not attempted to call for an ambulance.
116. At 06:40 Mr Bevan attempted to contact his mother Alison. At 06:48 he messaged her saying “really really important please answer nothing to do with money”. At 06:49 he messaged her “one of the kids is unconscious please answer me”. Alison Bevan was asleep at the time.
117. Mr Bevan made a number of further calls and sent a number of further messages to his mother. At 06:54 he sent one of the photographs mentioned above with consecutive messages which said:
- “one of kids just feel top to bottom down stairs she’s unconscious but snoring.
- what the fuck do I do sineads till on bed I’m supposed to be in charge I’m worried sick mum.
- EVERTIME I pick her up she flops and she can’t stand up ATALL.
- Look at the lump sineads gunna go up the wall’.
118. By this point Alison Bevan had awoken and had read the messages. At 06:56 this exchange ensued:

¹¹ The presence of vomit in the onesie’s hood is difficult to explain on any scenario. I do not need to make a finding about it.

“AB: Don't let her sleep wake her up FFS get Sinead up and get her to AE she could have concussion.

KB: I caaaant wake her full stop watch’

AB: Its not your fault if she fell you need to get her to hospital Kyle.”

119. Rather than telephone for an ambulance Mr Bevan then did something which I regard as both sinister and macabre. At 06:57 he made a 23-second video of himself trying to get Lola, who is obviously unconscious, to stand up. This was predictably utterly unsuccessful. Mr Bevan says during this strange performance “Come here baby, stand up, stand up ooh no she’s gone, she’s gone” at which point he lets go of her and she falls heavily to the floor. He then picks her up and casually dumps her back on the sofa.
120. This video makes for very disturbing viewing. Mr Bevan’s actions are very difficult to understand. He had been advised by his mother to get the child to hospital as quickly as possible. This required an ambulance to be called. Yet he is wasting precious time, while Lola is in mortal peril, filming himself trying to get the unconscious Lola to stand up. This vignette demonstrates very strongly to me the complete absence of any moral compass on the part of Mr Bevan.
121. Mr Bevan still does not call 999. Rather, he sends further messages to his mother including one attaching the video. In one of the messages he mentions that Lola had chewed off a chunk of her tongue. Alison Bevan is becoming frantic by Mr Bevan’s inaction. Thus at 07:01 she states “I’m ringing Sinead now she could be bleeding from the brain”, and at 07:06 “ring an ambulance I mean it she needs to be checked”
122. But still Mr Bevan does not call 999. At 07:13 his mother asks: “what’s happening Kyle?”
123. At about 07:22 Mr Bevan went up to the mother’s bedroom, woke her, and told her to get up and call an ambulance as Lola had fallen down the stairs and was not moving.
124. The mother did not immediately call an ambulance but rather called her own mother Nicola at 07:26. At 07:28 Mr Bevan asked his mother to call an ambulance claiming that the telephones of him and the mother were “fucked” for all calls.
125. At 07:29 Alison Bevan called 999 from her own home. She explained that Lola had fallen downstairs and was unresponsive.
126. Pausing there, I record at this point in the narrative, first, that it took one hour and 10 minutes from the time of the incident for an ambulance to be called. At no point during this period did Mr Bevan himself call an ambulance. This was notwithstanding that from an early stage his mother urged him to do so. His assertion that telephones were unable to make an emergency call was obviously false. You do not need any credit on your telephone to call 999. The mother’s own 999 call made on her own telephone one minute later demonstrates this.
127. It is very difficult to understand the depths of inhumanity that leads somebody not to seek emergency assistance for a child who is plainly in mortal peril.

128. Secondly, I record that Mr Bevan had not suggested to anybody up to this point that the dog was involved in Lola's fall down the stairs. It is to this story that I now turn.
129. The ambulance arrived while the mother was making her own 999 call at 07:30. I believe that the advocates' chronology is incorrect where it states that in this call the mother said "the dog barged her and she just fell". I have read the transcript of the mother's own 999 call at Z3.83-84 and the dog is not mentioned in it.
130. The first reference to the dog comes in the witness statement of Alan Thomas, a paramedic who travelled in the ambulance. Mr Bevan told him that Lola fell from the top of the stairs to the bottom. Mr Bevan also stated "I think the dog tripped her over" and said something about "the dog will have to go".
131. Mr Bevan's evidence about the involvement of the dog has varied. Under cross-examination before me he maintained that he had not seen anything. He had heard the dog's footsteps upstairs followed by a couple of bangs. He found Lola unconscious at the bottom of the stairs.
132. In contrast, Mr Bevan told Dr Nicola Drake at Withybush General Hospital that he heard a big noise and that Lola was screaming. He found her at the bottom of the stairs writhing and groaning. In his oral evidence Mr Bevan disputed the accuracy of this statement notwithstanding that the doctor had not been called for cross-examination and her evidence was therefore agreed.
133. The present version of the story about the dog conflicts substantially with what Mr Bevan told the officers who attended the dwelling at 11:00 on that morning. When presented with the inconsistencies at his police interview Mr Bevan's only explanation was that at the time he was drunk and that his head was "all over the place"; it was "scrambled".
134. The present version also conflicts with the story that Mr Bevan was telling the mother in messages that afternoon. At 14:32 he messaged "they think we hurt Lola. She fell down the fucking stairs like and the marks are from when the dog jumped up on her happens all the time". And at 14:54 he messaged:
- "dog started to jump all over her and she went flying down the stairs and its hard floor at the bottom and loads of crap I don't know what she landed on but when I came round the corner it was just like she was winding on the floor or something."
135. The dog story is not credible. It is riddled with inconsistencies and has all the hallmarks of a hastily fabricated defence.
136. I move on.
137. It is clear that Mr Bevan had agreed with the mother a narrative to peddle to the police. At 15:15 that afternoon he messaged her asking "well what are you going to say?" The mother replied at 15:17 "what you told me". Mr Bevan immediately responded: "yeah, obviously but you've got to get it bang on like". The mother responded four minutes later: "well I'm saying exactly what you told me I can remember what you said from word to word." This led to the mother making false

statements, exculpatory of Mr Bevan, to the police in her first interview, as I have mentioned above at para 34..

138. I have mentioned above at para 80. that for 10 minutes after the police arrived at No.4 Princess Royal Way Mr Bevan refused them entry. When they got in they noted that the floor in the living room was wet. Mr Bevan attempted to explain this by saying that he and the children had washed the floor the night before. This I am sure did not happen, and even if it had, the floor would have been dry 12 hours later.
139. The evidence of DCI GR was that Kyle Bevan probably had a 15 minute window at 4 Princess Royal Way on his return from Withybush General Hospital before the police arrived. I am satisfied that during that period and for the 10 minutes while the police were denied access, 25 minutes in total, Mr Bevan was making hasty attempts to cleanse the property. Not only was the floor washed, but the bath, in contrast to the filth elsewhere in the bathroom, was spotlessly clean. The mother told me, and I accept, that Mr Bevan never once during the course of their relationship engaged in cleaning the dwelling.
140. While the police were present their body-cams recorded the bizarre sight of Mr Bevan hovering at the bottom of the stairs. Again, the mother confirmed to me that this was completely out of character.
141. I have to say, although this is not material to the decision I have to make, that I have been extremely surprised, given that the dwelling was a potential murder scene, that the police did not insist on immediate entry upon their arrival, and upon gaining entry did not take every step to secure the dwelling undisturbed for the purposes of a very close forensic examination. I have little doubt that forensic evidence will have been lost by the steps taken by Mr Bevan which I have described.
142. The body-cam video shows that on 17 July 2020 a buggy was positioned at the bottom of the stairs. I am myself satisfied that a fall by Lola down the short flight of 13 carpeted steps, the momentum of which would have been broken, and to some extent cushioned, by her clattering into the buggy, could not conceivably have resulted in those injuries to her. I have detailed the appalling extent of the external injuries in Appendix 4, to which must be added the injuries to the brain and the full extent of the injuries to the eyes. Whilst I do not have specialist knowledge in biomechanics it is obvious to me that the injuries taken as a whole simply could not have happened as a result of a domestic accident of that nature. I accept that it would be unusual, to say the least, for a judge to reach such a conclusion independently of assistance from skilled experts. However, the view which I have reached is unanimously and categorically supported by the expert evidence, to which I turn in the next section of this judgment.
143. Understandably, Mr Tillyard QC relies on statements made by IY in two ABE interviews on 18 July 2020 and 2 September 2020. In the first interview IY says she heard “tumbling” which sounded like music. She signified that the sound had a rhythmic quality. However, there are many aspects to IY’s account which are obviously wrong. For example she says that her mother found Lola lying on the floor and that the event took place when it was dark. In the second interview she repeated that she heard Lola tumbling down the stairs. She also stated that she had seen Mr

Bevan “slam” Lola in bed and bump her head on the top bunk. In both interviews she repeated things that her mother had told her.

144. I cannot place any reliance on this evidence. Large parts of it derived from things told to her by her mother. Other parts are contradictory and obviously incorrect.
145. Therefore, the conclusion which I draw from the direct specific evidence surrounding the terrible event on 17 July 2020 is that Kyle Bevan did indeed deliberately injure Lola. This conclusion is for the reasons set out above, which I recapitulate as follows:
- i. Mr Bevan had taken amphetamines and cannabis. He also claimed to the police the following morning to be drunk even then. He stated in his oral evidence that he had drunk ten cans of Carlsberg. He had not slept at all by the time of the event at 06:20. The combination of drugs, alcohol and insomnia would have had a powerful aberrant psychological result. In answer to a question from me he agreed that the combination would have made him feel really weird.
 - ii. Mr Bevan brought Lola down to the living room at about 4 o’clock in the morning. He injured her and then took a photograph of the injury on her back at 04:26.
 - iii. Mr Bevan then dressed her in the onesie. This was discovered by the police in the living room soaking wet and befouled by blood and vomit. There is no explanation for this which is consistent with an innocent domestic accident.
 - iv. Lola was gravely injured at about 06:20. Mr Bevan immediately tried to wash her in the bathroom, in the course of which the sticky transfers came off. This was not conduct consistent with an innocent domestic accident.
 - v. Mr Bevan’s conduct in failing to call for an ambulance for well over an hour after Lola had suffered appalling injuries is inexplicable if he were guiltless of the infliction of those injuries.
 - vi. Mr Bevan’s conduct in making the video and in his treatment of the unconscious Lola when filming her, is inexplicable if he were guiltless.
 - vii. Mr Bevan’s conduct in failing to awake the mother is inexplicable if he were guiltless.
 - viii. The dog story is completely implausible and was obviously invented. The invention of such a ludicrous story would not have been done by someone who was guiltless.
 - ix. The attempt by Mr Bevan to cleanse the living room, stairs and bathroom of the dwelling is not consistent with innocence.
 - x. The agreement by Mr Bevan with the mother of a non-incriminating narrative to peddle to the police is not consistent with innocence.
 - xi. Even to an amateur judicial eye it is obvious that the scale of the injuries suffered by Lola could not have resulted from a fall down the flight of stairs.

- xii. Mr Bevan's denials were not credible. For what it is worth, his demeanour as a witness seemed to signify defensiveness and untruthfulness.
146. I am satisfied that the mother was asleep from around midnight until she was awoken at 07:22. I do not believe that it is likely (in the sense of being more likely than not) that the mother was awake in her bedroom hearing these dreadful things but yet did nothing. Had she been awake she would surely have heard something, and would have emerged or at the very least would have communicated with somebody on her telephone. I am strongly satisfied that she was asleep until she was awoken at 07:22 by Mr Bevan.
147. The evidential analysis in this part of the judgment points strongly to Kyle Bevan fatally attacking Lola at about 06:20 on Friday, 17 July 2020. When taken with the wider evidential analysis in the preceding part of the judgment the case against Mr Bevan becomes very strong indeed. It becomes conclusive when account is taken of the expert evidence, to which I now turn.

Sphere C: The expert evidence.

148. I deal first with the four experts who were called to be cross-examined.

Dr McPartland

149. Dr Jo McPartland, Consultant Paediatric Pathologist, stated in her report:

“Pathological examination of Lola James' eyes and orbital contents removed at autopsy revealed bilateral retinal haemorrhages in multiple layers, present both at the posterior pole and the periphery of the eyes, including areas of sub-retinal bleeding and in the right eye, pre-retinal bleeding.

No typical crater-like peri-macular folds were identified macroscopically, but folds were identified microscopically in this location (with sub-retinal haemorrhage on the left and overlying haemorrhagic retinoschisis, retinal splitting, on the right) which could correlate with the clinical identification of peri-macular folds in life.

There was bilateral severe optic nerve sheath haemorrhage, and bilateral mild peri-papillary scleral haemorrhage at the optic nerve-scleral junction. There was also bilateral bleeding into the orbital fat, extraocular muscles and around non-optic cranial nerve trunks.

There were no developmental abnormalities in the eyes that could explain bleeding. Inflammation was present in the cornea of the right eye, but this is not related to any of the bleeding seen in the eyes or orbital contents.

Haemosiderin deposition was present in association with bleeding in the optic nerve sheaths, left posterior sclera, orbital

soft tissue and very subtle tiny foci were seen in the right retina.

In the absence of an underlying medical cause, such as severe blood clotting disorders, rare metabolic disorders, severe infections (sepsis, bacterial meningitis) and leukaemia, the finding of numerous bilateral multi-layered retinal haemorrhages, extending to the periphery of the retina, clinically identified peri-macular folds (with microscopic consistent features), severe bilateral optic nerve sheath haemorrhages, bilateral peri-papillary scleral haemorrhage and orbital soft tissue haemorrhage, in combination with intracranial subdural haemorrhage, is indicative of a severe traumatic head injury.

The constellation of ophthalmic pathology findings can be seen in accidental head trauma, but such accidental traumas are usually of a very severe nature. The presence of extensive multi-layered retinal haemorrhages in combination with peri-macular folds or retinoschisis has only very rarely been reported in accidental head injury, in the context of a high level multi-storey accidental fall, head crush injury and fatal motor vehicle collisions.

Review of the literature pertaining to low-level and stairway falls indicates that most stairway and low level falls in children do not cause serious head injuries.”

150. In her oral evidence Dr McPartland was not shifted from her opinion. If anything, notwithstanding highly skilled cross-examination by Mr Tillyard QC, she became more emphatic that the eye injuries were not the result of a domestic accident. The presence of perimacular folds in particular was strongly probative of abuse. She stated:

“Perimacular folds are typically associated with abusive head trauma rather than accidental injuries. They have only been reported very rarely in accidental injuries, in the case of very severe fatal accidents, eg high speed motor injuries, or a high level multi storey fall, not typically in a domestic household fall.”

The constellation of injuries led her to the conclusion that while their infliction by an accidental cause could not be completely ruled out it would be highly unlikely.

Dr Marnerides

151. Dr Andreas Marnerides, Consultant Histopathologist, Specialist in Perinatal and Paediatric Pathology, stated in his report:

“I do not consider that there is evidence suggestive or indicative of a natural disease process, congenital or acquired,

that may have been causative or contributory to the death of Lola James or the injuries she sustained.

The totality of findings from the post-mortem examination would in my opinion indicate that the death of Lola James would be explicable on the basis of Severe Head Injury [comprising bruising to the head, acute subdural haemorrhage, acute subarachnoid haemorrhage, acute cerebral oedema (brain swelling), cerebral perfusion failure (aka hypoxic/ischaemic brain injury or hypoxic/ischaemic encephalopathy), acute ischaemic myelopathy (cervico-medullary junction), bilateral retinal haemorrhage, bilateral severe optic nerve haemorrhage, bilateral mild peri-papillary scleral haemorrhage at the optic nerve-scleral junction, and bilateral bleeding into the orbital fat, extraocular muscles and around non-optic cranial nerve trunks].

As discussed [below], I would regard the identified severe head injury and bruises as being due to traumatic aetiology. I would concur with Dr Leadbeatter and his relevant commentaries in that it cannot be accepted that the totality of injuries, including the severe head injury, has arisen from a fall down stairs.

Having regard to the explanatory comments Dr McPartland offered in her report having regard to the neuropathology findings, and given all my previous commentaries herein, I would regard it highly unlikely that the identified severe head injury may in this instance be explicable on the basis of accidental injury occurring in a domestic environment, such as falling down stairs, and I would regard it highly likely that the identified severe head injury would in this instance be explicable on the basis of non-accidental injury.

I would therefore take the view that the overall assessment of the evidence available to me in relation to the death of Lola James (D.O.B. 30/09/2017 – D.O.D. 21/07/2020) would direct one to the conclusion that her death would best be explained on the basis of Non-Accidental Severe Head Injury.”

152. Dr Marnerides was asked by Ms Henke QC about the bruising to the ears. His evidence was:

“It makes this very unlikely to be in the context of an accident as described, fall down the stairs for example. ... Because you don’t expect them there, you expect them to be on the less protected areas of the head, the areas that are protruding, when you are having an accidental injury you expect them to be forehead, top of the head, chin, teeth, nose, not on the pinna of the ear, behind the ears.”

153. He was asked about the constellation of injuries. He responded:

“When I say constellation, I am not only using the external but also the internal injuries identified. It’s the pattern of the injuries and their extent. The pattern of the injuries to the brain and the eyes in the medical professionals experience requires a transmission to the body of very high energy. So lots of energy to be transmitted. And if we are dealing with differentiating accidents for example in a domestic environment, e.g. falling down the stairs in the context of having some interaction with the dog, you need to take into account the laws of physics. A body falling down will receive from an impact the energy which is in line with the height from where it fell and the mass of the body. The two bodies combine when they fall together down. This amount of energy would not have been sufficient to the injuries we see to the brain and to the eyes in particular. So those in the optic nerve sheath, the muscles around the eye, the fat around the eye, this type of injuries we get them when there is very high amount of energy transmitted to the body, and we compare it to a fall from a significant height, when we say we are talking about falling from a first or second floor balcony to the ground, or a road traffic collision: that’s the amount of energy you need to get these types of injuries to the brain and the eyes.”

154. He was asked by Ms Henke QC whether in his opinion multiple blows were administered. His evidence was:

“RHQC: It’s the multiple blows bit, it’s more likely than not there is more than one severe blow to Lola?

AM: It is more likely than not.

RHQC: You can say that because when you look at the external injuries there was not one single mechanism that explains them all.

AM: Yes.”

155. Dr Marnerides was subjected to highly skilled cross-examination by Mr Tillyard QC. He was asked about the absence of bruising to the back of the head. That led to the following memorable and telling exchange:

“JTQC: so the absence of bruising, does that exclude the possibility there was an impact to the back of the head during that process?

...

AM: The major problem is not the bruises we see. The major problem with what your client describes is the internal injuries.

That description could if we push it account for some of the bruises. But it fails to explain the internal injuries. That's the biggest problem with that. so I know that approach in law is to break down the findings and try each one of them, whether it's possible or not, but in medicine, in pathology, we have to approach the case on, go for the forest rather than the leaf of a tree. And the forest here tells us such a description would fail to explain the findings we have.

JTQC: We'll come to the forest in a moment. For the moment, can we stick to the question: does the absence of bruising or swelling to the back of the head exclude the possibility there was an impact to the back of the head during the process I've described?

AM: In the context I explained the answer is no it doesn't exclude the possibility. Just to help the court, I know you want to ask the questions the way you want to, but to put into context possibilities and probabilities. It's possible if I walk in the middle of the Sahara desert a pot with flowers will fall on my head. It's not probable. So the answer simply to the proposed mechanism is that we can go through every single finding of external bruises and I will be answering yes it could be possible. It's not probable in the context of the constellation of findings.

JTQC: In answer to the question whether it's possible there was an impact to the back of the head without leaving bruising or swelling, the answer is yes that is a possibility.

AM: Similar to a pot falling on my head in the Sahara desert.

Judge: Which internal injury – the eyes?

AM: The combination of the neural and ophthalmic pathology. You can't have those together in that extent and severity in a fall or in an event as the one described. It goes against the laws of physics.

...

JTQC: You say that when addressing some of the questions asked of you in this case, you're approaching it on the balance of probabilities and not in a criminal case, beyond reasonable doubt.

AM: Yes

JTQC: Is that how you've approached all the issues, don't think that's a criticism, but you make it clear you understand the

difference, so am I right in thinking you've approached all the questions on the balance of probabilities?

AM: Yes

JTQC: So when you say I would regard it as highly unlikely the severe head injury was a result of a fall down the stairs but highly likely the injuries would be explicable by a non accidental injury, can we take it you are saying on the balance of probabilities it is far more likely to have been something other than a fall down the stairs?

AM: Comparable probabilities to my example of a pot falling on my head in the middle of the Sahara desert.

Judge: Balance of probabilities strictly speaking means 51%. What is your probability scale?

AM: For this case, I would go close to 95%, 98%.

Judge: I see. That's still the balance of probabilities, it just happens to be the scales have swung very strongly in one direction.

JTQC: But a fall down the stairs, particularly if Lola was propelled down the stairs, still remains a possibility, albeit an unlikely one.

AM: Yes, it does, comparable to the example of a pot falling on my head.

...

AM: ... The type of energy transfer we need for these injuries to happen is only known to occur when forces comparable to a fall from the balcony, so 3 – 4 metres fall, so that's the amount of energy you need. I don't think, I cannot understand how, a child being pushed by a dog on a staircase in a house within that space, would have fallen in a way that would have generated so much energy to produce all this. I don't understand it."

156. I then used the screen-share function to show Dr Marnerides a picture of the stairs derived from the police body-cam video. There was this exchange:

"Judge: Can you see what I'm showing you? These are the stairs, this is from the video. You can see they are carpeted and the length; you can more or less work out the pitch. In your view, as a matter of probability, could those injuries have been caused by her being given a shove by the dog and falling down these stairs?"

AM: I cannot see how. Highly unlikely.”

Dr Solman

157. Dr Lea Solman, Consultant Paediatrician and Dermatologist, provided the taxonomy of injuries in Appendix 4. In her report she stated:

“As described above, Lola has sustained severe bruising to all areas of her skin. The bruising was explained as falling down the stairs on 17/7/20 and hitting her head on the table few days before as the dog pushed her. Both of these events can cause bruising, even significant bruising, however, the extent of the bruising and scratching is not in keeping with the history that was provided.

...

There are linear bruises noted on the right upper thigh, which could not be explained by falling down the stairs. They are most likely caused by the physical assault with an object.

...

Lola had very obvious bruising of the ear, which cannot be explained by the mechanism provided by Kyle Bevan – he said that the dog was playing with her putting paws near her ears. In that case, she would have scratches from the paws noted on her ears. This is very pathognomonic for non-accidental injury.

...

Lola has suffered extensive bruising and in all my years working in paediatrics I have not seen such extent of injuries in a child falling down the stairs.

...

The extensive and severe injuries seen on Lola are not compatible with the history of falling down the stairs. The injuries cannot be explained by the prior medical condition. In my opinion, Lola has suffered severe and extensive physical assault and the injuries are in keeping with non-accidental injury - physical abuse.”

158. In her oral evidence in answer to questions from me there was this exchange:

“Judge: Have you ever seen injuries like this before?

LS: Not in my paediatric practice. I mean I’ve seen injuries but not in totality.

Judge: What about car crashes?

LS: I've done quite a lot of picking people up from car crashes on the road, so I've very commonly seen that, including going to the accidents, I'm not a regular dermatologist, I've done all of that.

Judge: Have you see things like this after a motor accident?

LS: Well yes and no, but those were basically such severe injuries that the contents of the brain were found around the patient.

Judge: Head was split open?

LS: Exactly.”

159. Ms Henke QC's cross-examination concluded with this exchange:

“RHQC: Thank you. I'm going to conclude my cross-examination by going back to where I started with 101 separate injuries. I've looked at all the various constellations of injuries, but then you stand back and look at the totality. Is it still your opinion that this is a severe, sustained assault, of numerous blows, namely hits, kicks, blows?

LS: Yes

RHQC: Is that the most likely thing that happened to Lola?

LS: Yes, I believe that is the most likely thing.”

160. Dr Solman was cross-examined by Mr Tillyard QC. He concentrated on the fact that while there were extensive external injuries to the face there were no fractures. He asked what sort of non-accidental injuries might have caused these injuries without any kind of fracture. Dr Solman responded that it was very difficult to say what the mechanism was but that it was enough to puncture the skin in some areas and to cause significant bruising.

161. It was put to her that a fall down the stairs, particularly if propelled by the dog, could have caused these injuries. This was the exchange:

“LS: Sorry, no. I feel the brutality of the injuries is far beyond her falling down the set of steps, even with a high impact I don't think that's the case.

...No, however I still feel her even being propelled, she would have less points of contact: she would fall down and then bounce off and bounce off. So she would probably have less points of contact. So if she would be propelled she would fall once and then bounce and probably end up at the bottom of the stairs. So there would be less than what she had, more severe perhaps, but less bruising than she has. And I can't explain why she would have so much bruising on her face.

Judge: Ears are a bit difficult to understand?

LS: Yes

Judge: And the neck.

LS: Yes

Judge: She's rolling down the stairs, her starting speed on this scenario is not zero if pushed by the dog, multiple rotations, angular forces, lots of hard edges, it's being suggested this is not impossible, you are saying you don't accept that?

LS: The injuries are on so many sides I don't think we can say this is purely from the fall down the stairs, it's something I can't understand with years of working."

Mr Lawrence

162. Mr Tim Lawrence, Consultant Paediatric Neurosurgeon, stated in his report:

"Lola James was taken to hospital by ambulance in the morning on 17/07/2020. According to her mother's partner, Kyle Bevan, Lola had fallen down the stairs. Lola's conscious level was reduced, and she was breathing abnormally. A CT scan performed approximately 4 hours later revealed extensive subdural haemorrhage on the left side of the brain, ischaemia in multiple locations, worse on the left than the right, and midline shift due. Lola also had bilateral retinal haemorrhages and extensive bruising and skin marks over her head, neck, torso, arms, hands, legs, feet, back and buttocks. Lola's intracranial injuries progressed over the next few days. Lola died of her brain injuries on 21st July 2020.

In my opinion, on the balance of probability, Lola's intracranial injuries were caused by severe trauma. Although children can suffer serious injuries following a fall downstairs, on the balance of probability, it is more likely that one or more episodes of more severe trauma occurred leading to her extensive injuries and ultimately her death. It is also possible that Lola was subject to repeated episodes of trauma.

Assessment of bruising is outside of my area of expertise and outside of the remit of this instruction. However, the extent of the bruising on Lola is striking and not what I would expect from a fall downstairs."

163. Ms Henke QC asked Mr Lawrence about the degree of force that was likely applied to lead to the brain injuries. His response was:

"We can't be objective about the degree of force, what we can do is apply clinical experience and our expectation of what we

see from other mechanisms where it is witnessed. The type of injury we see would be the type I might expect to see from a road traffic accident, from a fall from a height, multiple stories, or very forceful missile injuries, being struck around the head with something with force. But I can't give you a threshold or number.

RHQC: In terms of the injuries that come into the trauma centre, where does this rank in terms of severity?

TL: I would consider this to be an extremely severe thoracic brain injury.

RHQC: Have you ever seen anything of this nature in the domestic sphere?

TL: In a domestic sphere, from a fall off a sofa or work surface I haven't seen an injury like this. Of course I haven't seen everything, we need to account for the very rare and unusual, it's for those we turn to the literature to try to understand whether such injuries are possible. We think it is possible but there are specifics about the mechanisms in those cases when they occur, and they are extremely rare."

164. Mr Lawrence was of the opinion that there had been a sequence of injuries inflicted. This raised for me a problematic forensic issue which was expressed in the following exchange between Mr Lawrence, Mr Hopkins QC and me:

"Judge: Each of the scenarios – you see what my problem is. If the primary insult is at the beginning of the sequence, I find even allowing for human nature, the idea that further less serious injuries would have been inflicted on a child then unconscious seems to be almost unimaginable. The other way round the child would have been screaming, no one ever heard any screams. Then we have the alternative, that she fell down the stairs, and the unanimity from the experts is these injuries were not the result of falling down the stairs.

TL: I understand the dilemma. I don't think I can make a judgment about which order the injuries came in.

PHQC: So it could be either scenario?

TL: Correct

PHQC: It does seem to have been a consensus that all the intercranial injuries are consistent with all happening in one incident on the morning of 17 July. I think you agreed with that

TL: yes

PHQC: His Lordship has mentioned the context, his attention has been drawn to a particular period that morning between 6 and 6.30 and perhaps more particularly between 6.20 and 6.30. Can you tell me if this is consistent with your interpretation of the neuroimages: there was an episode which comprised of a number of traumatic parts to it within a relatively short period of time between 10-15 minutes. Is it potentially significant the most significant head trauma was at the start and then lesser thereafter, all within 10-15 minutes?

TL: I think all the impacts were happening in a short period of time, yes. Whether, again, whether the very big impact came first or last in the sequence I can't say.

Judge: That's a very difficult issue. You said the trauma to the brain was likely suffered on the left hand side. Was the brain examined to see if that was where the injury took place?

TL: I'm not a pathologist. My understanding is yes."

165. Mr Lawrence was very firm that there must have been multiple impacts. He was asked by me whether a fall down 13 steps fitted the bill precisely. This was his response:

"Not necessarily, interestingly enough we tend not to see terrible injuries from falls down the stairs. That may seem odd but we don't. It may be because the process of the fall, the falling from a certain height and then hitting a step and falling again, that process is cushioning the fall. So you may get lots of injuries, but they might not be too severe. Our experience would suggest they are not. That's not to suggest you can't die falling down the stairs, we know you can. But it would be rare. So on the balance of probabilities, in my opinion, that is not the case here."

166. In terms of rating the severity of the injuries Mr Lawrence concluded his evidence with this exchange with me:

"TL: We look after very severe trauma. We see, we're a major trauma centre, we see probably about 2 cases of very major life threatening traumatic brain injury every month.

Judge: Two a month?

TL: Yes.

Judge: These are the top of the scale in severity?

TL: Yes, the children who may well not survive.

Judge: How does this one compare?

TL: The injuries on this child's scan at the outset and their clinical presentation I would not expect them to have survived by the time they got to the ED, they are that severe.

Judge: So as bad as it gets?

TL: There are some children who die within minutes of reaching it, those are the most severe. This is the next step down, but a very severe traumatic brain injury.

The other experts

167. I now turn to those witnesses who were instructed in these proceedings but who were not called to give oral evidence.
168. Dr Oysten Olsen, Consultant Paediatric Radiologist, dealt with the old fractures of the bodies of the 4th and 5th vertebrae of the chest. For the reasons given above I do not need to consider this issue.
169. Dr Brian Herron, Consultant Neuropathologist, identified the injuries to the brain which I have given above. In his opinion the acute neuropathological findings, particularly the acute subdural haematoma/haemorrhage and subarachnoid haemorrhage, may be explained by head impacts with or without movement trauma. In Dr Herron's experience, in a child of Lola's age, with no history of abnormal coagulation, abnormal brain development or relevant medical condition, this is the most accepted cause. The findings are all recent and consistent with having occurred around the time of Lola's admission to hospital. There is no older brain injury.
170. Dr Keiran Hogarth, Consultant Neuroradiologist, considered the CT head scans taken on 17, 18 and 19 July 2020. In his opinion the appearances on the scans can only be explained by impact injury to the head, resulting in scalp haematoma at the site of impact. The impact injury was forceful enough to provoke extensive subdural bleeding and some subarachnoid bleeding. There was a significant amount of cerebral swelling as a result of the head injury. The swelling progressed over the course of the scan series reaching a point where the normal cerebrospinal fluid spaces around the midbrain had been lost due to compression from the surrounding structures.
171. Dr Hogarth accepts that on the literature a stairway fall has the potential to result in a fatal injury, although that occurs rarely. Most cases of such a fall do not result in significant injury and do not require hospitalisation. On the balance of probabilities, Dr Hogarth is of the opinion that a fall down a flight of stairs would be unlikely to result in the head injuries Lola sustained which were so severe as to prove fatal.
172. I do not need to analyse the reports of Professor Nicola Gray, Consultant Forensic Clinical Psychologist, and Dr Damien Gamble, Consultant Forensic Psychiatrist, for the purposes of making my findings of fact.
173. The instructed experts (with the exception of Professor Gray and Dr Gamble) attended an experts' meeting on 21 May 2021. The summary of the views expressed at that meeting are in my judgment rightly summarised in the written opening of Ms Henke QC and Mr Rhys Evans which I now set out:

“The relevant experts (except Dr Olsen and Dr Solman because it was outwith their expertise) agreed that the eye injuries and brain injuries Lola sustained are likely to have occurred at the same time. As to timing the relevant experts agreed (Dr McPartland deferring) that she is likely to have collapsed immediately after the last severe traumatic event. In relation to mechanism, they agreed that impact was the more likely and predominant cause but there may have been shaking as well.

In relation to the external skin injuries all the experts deferred to Dr Solman who maintained the opinion she had expressed in her report. When looking at the photographs at K149-163 Dr Solman stated that they would be consistent with a fall onto the edge of a table. On the basis of the photographs in the phone records she did not appear to have any other visible bruising prior to midnight on 16 July 2020.

All the experts agreed, subject to the ambit of their own areas of expertise, that on the balance of probabilities there is no abnormality of Lola’s brain, no medical underlying cause, no metabolic disorder, no genetic disorder or condition, no infection or accident identified on the face of the papers, including the account of a fall down the stairs, which could account for the injuries Lola sustained. On the balance of probabilities, in their opinion the injuries are inflicted injuries caused by severe trauma.

Dr Solman, Dr Hogarth and Mr Lawrence agreed (Dr Herron, Dr McPartland and Dr Marnierides deferring) that the failure to seek medical attention for Lola immediately in response to her collapse, contributed to her death.”

174. Finally, I refer to the reports of Mr Ian Simmons, Consultant Ophthalmic Surgeon and Paediatric Ophthalmologist, and Dr Neil Stoodley, Consultant Neuroradiologist. These were commissioned by the police but were only produced during the course of the hearing before me.

175. Mr Simmons wrote:

“The combination of extensive bilateral retinal haemorrhaging in all four quadrants affecting multiple layers of the retina, possible retinoschisis, left perimacular folds and bilateral optic nerve sheath haemorrhage is one that points to abusive head trauma.

In my opinion, it is highly unlikely that the above combination of injuries to the eyes would have been caused by a fall down ten carpeted stairs as described by Kyle Bevan.

Taking into account Lola’s other life limiting injuries, it is my opinion that the most likely cause for her eye injuries is abusive

head trauma with some form of impact consider soft tissue injuries to her head.”

176. Dr Stoodley wrote:

“Lola’s scans show evidence of acute (recent) subdural haemorrhages at several different sites and extensive hypoxic-ischaemic brain injury. There are also areas of soft tissue scalp swelling. The appearances are not those of accidental head trauma and the suggested mechanism of falling down the stairs would not in my view account for the intracranial abnormalities.

The intracranial bleeding and brain injury that led to Lola’s death are therefore likely to be due to abusive head trauma which is likely to have occurred as a result of a shaking mechanism, forceful impacts (punches or slaps) to the left side of the head or a combination of both of these mechanisms.”

Conclusions on the expert evidence

177. I now state my conclusions in respect of the expert evidence. Expert evidence can only be admitted if it will assist the trier of fact to understand the evidence or to determine a fact in issue (*Kennedy v Cordia (Services) LLP (Scotland)* [2016] UKSC 6 at [46], *Daubert v Merrell Dow Pharmaceuticals Inc* (1993) 509 US 579 at 588). Further, in family proceedings it must be “necessary” to assist the court to resolve the proceedings justly (section 13(6) of the Children and Families Act 2014). It is not, however, determinative.

178. The expert evidence in this case derives from skilled witnesses who are able to bring before the court scientific, technical and specialised knowledge. The conclusions are unanimous. Each expert concludes, from her or his own specialised knowledge base, that on the balance of probability the injuries suffered by Lola were non-accidental. The probabilistic assessment by each expert varies. Some are more sure than others. But each is satisfied that it is more likely than not that Lola’s injuries were abusively inflicted. It is a formidable body of opinion. In my judgment it would be perverse of the court not to follow it.

Overall conclusion

179. I have conducted a careful and full analysis of the three evidential spheres identified by me at para 13.. That analysis explains and justifies my answers to the questions posed at para 9. and answered at paras 14. - 36..

180. I recapitulate the answers. I am satisfied that:

Question No. 1: Kyle Bevan abusively inflicted Lola’s injuries at about 06:20 on Friday, 17 July 2020. Here, I am satisfied to a very high level of proof.

Question No. 2: The mother was asleep in her bedroom at the time that Lola suffered her injuries. Here, I am satisfied on a balance of probability.

Question No. 3: Kyle Bevan inflicted gratuitous violence on Lola and VH on a number of occasions prior to that event. Here, I am satisfied to a level appreciably higher than a balance of probability.

Question No. 4: The mother was aware that Kyle Bevan was abusing the children prior to that event but yet did nothing to protect them. Here too, I am satisfied to a level appreciably higher than a balance of probability.

181. The case will now be listed for a hearing to make final orders and in order to determine the applications by the Dyfed Powys Police for disclosure to it of documents (including experts' reports), transcripts of evidence and (presumably) this judgment for the purposes of the criminal proceedings.
 182. Finally, I wish to record and applaud the sheer hard work by, and skill, assiduity, and diligence of, all the lawyers involved in this complex and stressful case. I am extremely grateful for the very considerable assistance I have received from the Bar. The written and oral work from the Bar has been of the highest quality. The attention to detail has been outstanding. All parties have benefited from first-class representation. Mr Bevan and Ms James should understand that their interests were represented fearlessly by counsel and that no stone was left unturned in their defence. The local authority and the guardian will appreciate that the quality of their representation was, in the opinion of the court, of the highest order.
 183. That is my judgment.
-

APPENDIX 1A: NON-EXPERT WITNESSES REQUIRED TO GIVE ORAL EVIDENCE (AND PRÉCIS OF THEIR EVIDENCE)

DR

A former friend of Sinead James, although they had fallen out by July 2020. Gave evidence about her interactions with Kyle Bevan, who had supplied cannabis to her. Said she could not ‘work him out’, and that she thought he had taken an instant dislike to her. Explained he had sent her a text calling her a cunt on the day Lola went into hospital and said she had fallen out with him because he was nasty to her when he asked her for cigarette butts and she didn’t have any to give him. Said that she missed Sinead James and the children, with whom she had spent a lot of time before they fell out. She had noticed circular marks on Lola after Christmas 2020, which Sinead James had shown her.

GH

A neighbour of Sinead James. 50% deaf in one ear and 25% deaf in the other. Heard knocking on the party wall between his house and Sinead James’ house on the evening of 15 July 2020 and also on the evening of 16 July 2020. On both evenings also heard music playing at Sinead James’ house. On 16 July 2020 he also heard muffled shouting through the wall. However, on both evenings he had headphones on and was listening to music. Woke up naturally on the morning of 17 July 2020 just before 06.00 and did not hear anything from Sinead James’ house early that morning (and was not wearing headphones that morning).

Casey-Leigh Morgan

A former friend of Sinead James who also lived on Princess Royal Way. They lost contact after Lola’s death. Did not like Kyle Bevan and noted his drug use and controlling behaviour. Felt Sinead James was with Kyle Bevan because she felt she needed protection after her relationship with SH. Noted that by April 2020, Sinead James was drunk quite often, and that before that she used to drink alcopops, but by that point was drinking spirits. On 10 May 2020, she had held a birthday party for VH, who had a black eye, and on 9 July 2020 she saw the injury to Lola’s nose. In June 2020, Sinead James phoned her at 22:00 one night screaming at that that she had to get the children after her and Kyle Bevan had had an argument, but once Sinead James had seen she had taken the children in she returned to Kyle Bevan. She and her partner, Mark John, offered to get Kyle Bevan out of Sinead James’ house. Several times Kyle Bevan would not let Lola have a sleepover at her house although IY and VH would do so, and Lola was clearly his favourite. Said that Sinead James’ choice of men was not good and that she was easily led. Often the children were dirty. Often there were soiled nappies in Sinead James’ home. Kyle Bevan once pushed VH in her pram into the road. On the morning of 17 July 2020 she went to Sinead James’ home and was told by Sinead she did not know what had happened and that she had just got out of bed when she arrived and was in a state of shock.

Shaun Lyndest James

Sinead James’ cousin. Gave evidence about the fact the door on the fridge-freezer at Sinead James’ home had been pulled off its hinges, which Sinead James said IY had done. Said Kyle Bevan had continued to try to put teething gel inside VH’s mouth even when she did not want it. Said Sinead James’ house was filthy. Drove Sinead James to from Witherby General

Hospital to the University Hospital of Wales on 17 July 2020 and could overhear conversations Sinead James had on the phone with Kyle Bevan. Said Sinead James said she didn't want people to see the house in the state it was in and asked Kyle Bevan to clean up dog mess on the upstairs landing. Did not hear Sinead James ask Kyle Bevan what happened or any questions to that effect.

SD

Sinead James' maternal aunt and mother to Shaun James. Gave evidence about having to pick Sinead James up from SH' father's flat in Swansea on 3 February 2020 at 01:00 when Sinead James asked her to come and get her. Explained that Sinead James got a taxi to Carmarthen and that she picked her up from there. Went to Sinead James' house on the morning of 17 July 2020 and drove her from her home to Withybush General Hospital.

Lynda Patricia Hughes

Sinead James' maternal aunt. Did not like the way Sinead James was living in terms of the mess in her home and her boyfriends. Gave evidence about arranging a taxi to pick Sinead James up from SH' father's flat on 3 February 2020 at 01:00 when Sinead James asked SD to come and get her. Saw Lola in the park on 16 July 2020. Did not notice any bruising on Lola. Noticed that Sinead James had chipped a tooth and had said she dropped her phone on her face and chipped it. Said Sinead James' house was untidy. Explained Kyle Bevan had been very aggressive towards her on the morning of 17 July 2020.

BH

Friend of Sinead James and former partner of Casey-Leigh Morgan. Said Kyle Bevan in around June 2020 had come to Casey-Leigh Morgan's house and ranted that Sinead James would not have sex with him. Said on the same day, Kyle Bevan had picked VH up and had hit the tumble dryer, which looked like an accident. Used to take cannabis with Kyle Bevan. Saw Kyle Bevan take amphetamines out of Sinead James' fridge-freezer. Felt Kyle Bevan was controlling Sinead James. Noted a bruise to Lola's nose in July 2020. Said Sinead James had told him that she did not mind Kyle Bevan dealing cannabis.

CM

Sinead James' social worker. Allocated to Sinead James as a result of a referral from the Head of Service who had supported Sinead James to take her to see Lola in hospital. Her first intervention in the case was on 22 July 2020 when she went to the hospital and saw Sinead James and Nicola James. Sinead James repeatedly said she had done nothing wrong and said she wanted to take Kyle Bevan to see Lola to show him what he had done. Said Sinead James said she had been prescribed sleeping tablets but that she had never taken them and instead Kyle Bevan took them. Gave evidence that when Sinead James was told Lola had died she did not cry and that often Sinead James did not react physically in a way she would expect. Also gave evidence about Lola's funeral and the fact Sinead James did not attend it, but had a separate service the night before the funeral.

HM

Gave evidence about her relationship with Kyle Bevan, with whom she has a daughter, Evie. The relationship was abusive. Kyle Bevan introduced her to drugs, which she started taking.

Said Kyle Bevan was never sober and was always on drugs. Described living with Kyle Bevan at a hostel, during which time the police were called twice. Recounted an incident when she went for a shower, left a bottle for Evie in the room for Kyle Bevan to feed her with, and returned to find Kyle Bevan had turned their room upside down. Explained the sound of Evie crying turned a switch on in Kyle Bevan and he would punch walls and kick doors. Also said Kyle Bevan would hound his mother for money and spoke to his mother in a 'disgusting' way.

ME

Father of Sinead James. Did not like Kyle Bevan as a result of his drug-taking and behaviour towards his mother. Said he had seen Kyle Bevan taking amphetamines in front of Sinead James but never in front of the children, and that Kyle Bevan would take a quarter of an ounce of amphetamine a day. Warned Sinead James about having a relationship with Kyle Bevan. Explained the dog at Sinead James' home had been his dog, Jess, an American bulldog, which he had given IY. Said Jess was brilliant with children and had been trained.

EM

Grandmother of Casey-Leigh Morgan. Attended Casey-Leigh Morgan's house on 9 July 2020 and saw Lola with an injury to her nose (which she was told the dog caused) and bruises to the side of her neck. Advised Sinead James to take Lola to the doctor to have her nose looked at, but said Kyle Bevan said that was not necessary and Sinead James said they had already done that.

Tracey Taylor

Next door neighbour of Sinead James along with her husband and 18 year old daughter. Slept downstairs on her sofa, in her living room (which attaches to the hallway of Sinead James' house), on the night of 16-17 July 2020. Suffers from mental health problems and takes a variety of drugs, which cause her to fall into deep sleep. On the night of 16-17 July 2020 only took half the usual dose of her drugs, between 20:00 and 22:00. Something woke her up at about 06:00 or 07:00 in the morning but she did not take any notice of it, as she didn't know what it was and it was not an alarming noise, and went back to sleep until 09:00. Her husband also takes strong medication for his mental health and sleeps very deeply but neither he nor her daughter said they heard anything on the morning of the incident. Said the walls of the properties were paper thin and that normally she would hear the children getting ready for school through the walls. Said Sinead James was a loving mother and that everything was normal in the home as far as she was aware. Saw Lola the day before the incident smiling and looking happy, although she saw the bruise on Lola's nose and was told by Sinead James Lola had fallen. Explained Kyle Bevan had come to her house on the morning of 17 July 2020 and had said the dog had pushed Lola down the stairs while he was in the kitchen making breakfast for Lola.

Mark John

Boyfriend of Casey-Leigh Morgan. Said Kyle Bevan had 'flared up' at Withybush General Hospital, and that he was hot-headed and you had to be careful what you said to him. Knew Kyle Bevan took cannabis and drank alcohol. Offered to remove Kyle Bevan from Sinead James' home after they had had an argument. Said Sinead James was a good mother as far as he was concerned. Kyle Bevan had threatened him with violence when he had agreed to take

Sinead James to her father's house to get a dog but could not take her immediately. Saw Lola with marks to her neck and on her nose and was told the dog had jumped up on the sofa and caused Lola to become injured. Witness EMI tell Sinead James and Kyle Bevan to take Lola to the doctor. Told by Kyle Bevan the dog had pushed Lola down the stairs. Said Kyle Bevan was being very aggressive towards DT at Withybush General Hospital and said he would wait for him and 'batter' him.

CP

Paramedic who conducted assessments of Sinead James and Kyle Bevan when they were taken into custody in July 2020. Said Sinead James told him she had had a domestically violent partner previously and had a domestic violence counsellor. Said Sinead James said she did not drink alcohol or take drugs. Said Sinead James presented after her interview in a way that was different to how he would have thought she would have presented.

PW

Neighbour of Sinead James. Took two weeks off work during December 2019 and while at home during the day noticed noisy young people coming and going from Sinead James' house. Then returned to work but was furloughed from April to June 2020 when he also noticed noisy, drunk people coming and going again. Was under the impression there were drugs being dealt from Sinead James' home.

DS MH

Police officer investigating Lola's death. Saw Sinead James in an upset state at the University Hospital of Wales. Was told at the hospital that Kyle Bevan had been designated as a suspect and that officers were conducting arrest enquiries and concluded that Sinead James should also be arrested. Directed colleagues to seize Sinead James' phone, upon which Sinead James cooperated with providing her pin code.

DCI GR

Officer in charge of the investigation into Lola's death. Explained that the police have now obtained the expert medical evidence they needed and intend to assess that evidence with the CPS and consider outcomes for the criminal investigation. Said the police had taken an open-minded approach at first based on the explanations of an accidental fall, but that Sinead James and Kyle Bevan were arrested on 17 July. Said Kyle Bevan probably had a 15 minute window at Sinead James' house once he had returned from Withybush General Hospital before the police arrived. Explained that Kyle Bevan's account was that Lola had fallen down the stairs and that the dog had been involved. Said there had been a forensic focus and that no evidence of any blood was found on the stairway or at the foot of the stairs at all. Said that Sinead James had said she did not hear Lola fall down the stairs and was asleep at the time. Explained the medical experts who had provided reports to the police were of the view that it was unlikely an accident happened on the stairs to cause Lola's injuries. Gave evidence about the photos taken, internet searches undertaken, and messages sent on Kyle Bevan's phone on the night of 16-17 July 2020.

KA

Senior social worker at the Local Authority. Said that in January 2020 Sinead James' home had been untidy but not dirty and that the children appeared happy. Explained Sinead James had been open to a plan for Team Around the Family (a voluntary service) being put in place to assist her. On 27 July 2020, took Sinead James to Swansea to see a solicitor and said that Sinead James was worried about bumping into SH.

DT

Father of Lola. Has Asperger's and ADHD. Was at school with Kyle Bevan. Used to record his phone calls with Sinead James after she threatened she was going to get her children to say he had flashed them (an allegation had been made in 2019 that he got a little boy to show him his penis). Said he did not see Lola very often and that every time Sinead James had a new partner the contact would stop, apart from when she was with Kyle Bevan, who he felt wanted to get rid of the children. Last saw Lola on 17 March 2020. On 10 April 2020 had a phone call with Sinead James who he believed was drunk and who said he needed to make more effort with Lola. Had a separate video call in which Lola had had blood around her mouth and told him she had hit her face on the floor. On 14 May 2020 his girlfriend at the time, Rebecca Thomas, had gone to 4 Princess Royal Way after Kyle Bevan had trashed the house. Was informed of Lola's injuries on 17 July 2020 by Sinead James. At 14:00 on 17 July 2021 Sinead James told him she did not believe Lola had received any of her injuries from falling down the stairs. Kyle Bevan had sent messages to him on 17 July while Lola was in hospital asking him to fight him and calling him a cunt. Organised Lola's funeral.

Lesley Steadman

Health visitor to Sinead James. First visited Sinead James on 19 November 2019, when SH was present in her home. On a visit to Sinead James on 10 February, had referred Sinead James for a perinatal mental health assessment as she had said she was feeling low. On 14 July 2020 received information from Sinead James's GP saying she was presenting as feeling low and tired.

AJ

Health visitor to Sinead James during 2019. Visited Sinead James four times and had no concerns about the children, and saw the house was tidy. Had received a domestic incident notification (DIN) regarding an argument between Sinead James and SH on 18 June 2019. Spoke to Sinead James in SH's presence on 21 June 2019 and Sinead James expressed concerns about Lola's presentation and behaviour. Consequently, referred Sinead James to Flying Start. On 22 July 2019 received a second DIN and visited Sinead James on 23 July 2019. Was informed the relationship with SH was over, but on 20 August 2019, was told she was back with him although not living with him. However, SH was at Sinead James's house on 23 August 2019 when she visited. Discussed the effects of domestic violence around the children and whether Sinead James and SH wanted support they declined.

Rebecca Coleman

Ex-partner of DT s. Said that she and DT had not seen Lola since March 2020 because things broke down between Sinead James and DT. Explained her visit to Princess Royal Way on 14 May 2020 following an argument between Sinead James and Kyle Bevan. Said the children were at the house of Casey-Leigh Morgan when she arrived. Asked to see Lola but was told she was sleeping.

SP

Social worker at the Local Authority. Author of care plans in relation to IY and VH and gave evidence about those care plans. Said IY misses her mother, that the quality of contact with Sinead James has improved since it began taking place at a contact centre, and that there was no issue about Sinead James' commitment to contact. Said IY and VH had settled well with Nicola James. Took the view there should be regular contact between IY and VH and Sinead James and said the contact would be reviewed regularly.

Alison Bevan

Mother of Kyle Bevan. First heard about Kyle Bevan's relationship with Sinead James from her niece in mid-February 2020. Never met Sinead James or the children as a result of lockdown and never visited Sinead James's home, but communicated with her fairly often. Explained Kyle Bevan had a history of drug use going back to his teenage years and had problems with his temper with her, but that she had never seen him angry at anyone else. Said Kyle Bevan was dependant on her to provide money for drugs to him and that if she does not give him money he is aggressive and swears and spits at her, and has threatened to kill her. Was aware social services had been involved with Kyle Bevan's daughter, Evie. Said Kyle Bevan had trashed her homes quite often and that she had moved homes twice in the last five years because of it. Explained the trigger was if Kyle Bevan cannot get money from her. Was aware of the incident on 14 May 2020 when Sinead James had to get the children out of her home because Kyle Bevan had lost control. Stole codeine from the hospital she worked at (as a health support worker) for Kyle Bevan to take but was told by him he needed it for toothache. Gave evidence about the messages she had received from Kyle Bevan on the morning of 17 July 2020 with photos and videos of Lola and her injuries, and said she had told Kyle Bevan to take Lola to A&E and had eventually phoned 999 herself at 07:29.

Kyle Bevan

Partner of Sinead James at the time Lola sustained fatal injuries. Has autism and Asperger's. Said Sinead James changed his Facebook relationship status to being in a relationship with her (and vice versa) on 18 February 2020, the first day they messaged each other on Facebook. Said he took cannabis and amphetamines daily and drank regularly. Said he bought and sold drugs. Said he threatens to fight people but that is his way of venting anger and he has never followed up those threats. Explained that when he sent DT aggressive texts he was just backing Sinead James up. Believed Sinead James was messaging SH and flirting with him regularly. Said during the relationship he was often in the living room looking after the children while Sinead James would be in her bedroom on her phone. Accepted he shouted and swore but said he was not abusive and had only smashed up his mother's house and no one else's. Gave evidence about previous injuries sustained by Lola and VH while they were in his care but in different rooms to him. Said he was with Lola on the night of 16-17 July 2020 and gave evidence about what happened that night before Lola sustained her injuries. Said he did not inflict any of the injuries Lola sustained on her and that he did not deliberately harm her. Gave evidence that Lola had sustained the injuries by falling down the stairs while he was making breakfast for her in the kitchen. Had no other explanation as to how the injuries could have been sustained. Denied he had cleared up any evidence of what happened to Lola at 4 Princess Royal Way.

AY

Father of IY. Suffers from depression. Said he used cannabis daily when he was in a relationship with Sinead James. Said that during their relationship Sinead James would drink alcohol to excess three to four times a week and would become violent and aggressive. Gave evidence about taking IY to the park at Sinead James' invitation, contrary to a court order. Said Sinead James had specifically said he could see IY for an hour but that she then accused him of kidnapping IY and the police came. Only saw IY rarely although said that at the beginning of 2020 Sinead James had asked him if he wanted to see IY four days a week. Went to school with Kyle Bevan and said he was aggressive and violent and had a history of drug abuse. Said he was frightened of Kyle Bevan. Told Sinead James she should not be around Kyle Bevan, following which Sinead James sent him abusive messages, as did Kyle Bevan. Denied he drank alcohol other than on special occasions. Denied he had a problem controlling his temper and that he had hit his parents. Said he was not physically violent. Believed from what others had told him that drugs were being sold from Sinead James' home while she was with Kyle Bevan.

SH

Father of VH. Accepted that on 4 January 2020 he lost control at Nicola James's home and was charged by the police with various offences. Said that he had not pressured Sinead James to withdraw the statement she had given against him to the police following that incident and had not asked her not to proceed with prosecution for the sake of VH. On 2 February 2020 met up with Sinead James and the three children in Llanelli in breach of his bail conditions. They went to Play Kking and the Hungry Horse pub together before getting a train to Swansea and going to his father's flat. Said he and Sinead James had a disagreement there, and had been drinking alcohol. Said he and Sinead James had agreed she and the children would leave the flat after the argument. Agreed he had messaged Sinead James while she was with Kyle Bevan but denied that he was flirting with her and said he was trying to see if he could see VH. Said Sinead James was always drunk when she contacted him and had drunk alcohol regularly during their relationship but did not take drugs. Gave evidence about his criminal record, including convictions for violence against previous partners.

Sinead James

Mother of IY, VH and Lola. Said she had falsely painted a positive picture of Kyle Bevan in her first police interviews because she was scared of him but had then painted the correct picture of him in her second set of police interviews. Said that she had remained in relationships with AY, SH and Kyle Bevan because she was stuck under a spell and could not get out of the relationships. Said she did not know why she had gone to see SH in Llanelli and after their argument in Swansea hhad been terrified and phoned her family to collect her and the children. Accepted Kyle Bevan had not left her home after his first visit to get to know her in February 2020. Said Kyle Bevan had said he would keep her safe from SH. Accepted her home conditions were really bad and said that was a result of her depression. Explained Kyle Bevan would not sleep in her room and would only come upstairs if he wanted to have sex. Said Kyle Bevan smoked cannabis regularly and took amphetamines, which made him paranoid. Gave evidence about her relationship with Kyle Bevan generally and about the injuries her children sustained in his care before the night of 16-17 July 2020. On that night, said she had been asleep from midnight until about 07:20, having briefly woken up after hearing a bang at about midnight after which she went back to sleep. Heard nothing at all that night after that. Said she had not removed anything from the house after she returned from Witybush General Hospital before the police arrived, although before she went to the hospital she had put the rug from the living room outside as it smelt disgusting

and was wet. Denied that she and Kyle Bevan had plotted a cover-up story together on their walk back from the hospital. Started to doubt Kyle Bevan's explanation of how Lola sustained her injuries on the way to Withybush General Hospital. Believes Kyle Bevan battered Lola to death.

Nicola James

Grandmother of IY, VH and Lola. Gave evidence about the support in place for IY and VH in terms of helping them deal with Lola's death. Said she did not know how Sinead James had ended up living in squalor and what made her choose unsuitable men as her partners. Said in the future she would be happy for Sinead James to have contact with the children at her house so that she could supervise it, but that she would not want the children going to Sinead James's house and being introduced to men. Gave evidence about the incident on 4 January 2020 when SH lost control and was arrested. Said Sinead James would never tell her about her relationships. Gave evidence about 17 July 2020, when she was phoned by Sinead James at about 07.20 and went to 4 Princess Royal Way. Said Kyle Bevan had been very aggressive towards medical staff at Withybush General Hospital and would not give any details of what had happened.

(29 live witnesses)

**APPENDIX 1B: NON-EXPERT WITNESSES RELIED ON BY THE APPLICANT
BUT NOT REQUIRED TO GIVE ORAL EVIDENCE**

Local Authority Employees

TM, Service Manager

HT, Assistant Team Manager

CM, social worker

OM, Team Manager Child Assessment Team

AP, social worker

ET, social worker

DM, LA Head of Service

Hospital Staff

Rhyan John Curtin, Paramedic

Alan Thomas, Paramedic

CG, Sister at Withybush General Hospital (“WGH”)

Dr Nicola Drake, Consultant Emergency Physician at WGH

Dr M, Speciality Dr in Paediatrics at WGH

RJ, Student Nurse, WGH

Dr RP, Paediatrician at WGH

Dr HV, Specialty Doctor Critical Care and Anaesthetics at WGH

Dr RG, WGH

EB, Nurse at WGH

DS, Nurse at the Paediatric ICU at WGH

Dr H, Speciality Registrar at University Hospital of Wales (“UHW”)

Dr CB, ST6 Emergency medicine at UHW

ND, Band 7 sister, Noah’s Ark at UHW

Dr Sara Ali, UHW

CE, Nurse, Noah's Ark Ward at UHW

BP, Nurse, PCCU at UHW

JA, Practice Educator, Noah's Ark at UHW

SD, Ward manager, PICU at UHW

MT, Nurse, Noah's Ark at UHW

Dr RS, Consultant PICU at UHW

Dr O, Consultant PICU at UHW

Dr P, ST4 registrar in Ophthalmology at UHW

AN, Staff Nurse at UHW

PW, Band 7 Sister at UHW

Dr DG, A&E at WGH

JS, Lead Nurse at WGH

JJ, Staff nurse

Kosta Morley, EMRTS at UHW

Dr R, Locum Con Paediatric Intensivist, UHW

DC, Nurse at UHW

Dr MZ, Neurosurgery at UHW

Dr NS, Emergency and Paediatrics at UHW

Dr SW, Paediatric Registrar at UHW

Other Health Professionals

KP, Speech and Language Therapist

Dr Y, GP

Dr H, GP

ST, Health visitor

TD, Health visitor

Dr Stephen Leadbetter, Pathologist

JL

Lay Witnesses

MJ, friend of family

AJ, taxi driver

Coral Barker, owner of Jessie the dog (sold to ME)

JT, Fenton School

NR, carer to SJ's father

KR, Cousin of Kyle Bevan

AC, HM's mother

Police Witnesses

DC Philip Jones, Dyfed Powys Police ("DPP")

DC Raymond Owen, DPP

PC L, DPP

DC O DPP

PC TP, DPP

NM, Forensic Toxicologist

PB, Cellmark

BL, Forensic scientist

CSI M, DPP

CSI ON, DPP

CSI W, DPP

CSI S, DPP

DS N, DPP

DC A L, DPP

PC P, South Wales Police

PC W, DPP
DS ST, DPP
PC S, DPP
DS PK, DPP
DC T, DPP
DC C L, DPP
DC Q, DPP
PCSO H, DPP
TPS VT, Licensed Search Officer, DPP
PC B, Licensed Search Officer, DPP
PC G, DPP
PC W, DPP
PC E, Licensed Search Officer, DPP
PC B, DPP
DC D, Licensed Search Officer, DPP
PC F, Licensed Search Officer, DPP
PC GJ, Licensed Search Officer, DPP
PC P, Licensed Search Officer, DPP
PS R, Licensed Search Officer, DPP
PC S, Licensed Search Officer, DPP
AM, Digital Forensic examiner
CL, Forensic custody nurse
EM, Forensic custody nurse
SA, Forensic custody nurse
DC R, CCTV Officer, DPP
DC Y, BWV Officer, DPP
DC C, Search Officer, DPP

PC W, Search Officer, DPP

DC T, Search Officer, DPP

PC J, Search Officer, DPP

DI SD, DPP

(97 such witnesses)

APPENDIX 2A: EXPERT WITNESSES REQUIRED TO GIVE ORAL EVIDENCE

Dr Jo McPartland, Consultant Paediatric Pathologist

Dr Andreas Marnerides, Consultant Histopathologist, Specialist in Perinatal and Paediatric Pathology

Dr Lea Solman, Consultant Paediatric Dermatologist

Mr Tim Lawrence, Consultant Neurosurgeon

(4 live expert witnesses)

APPENDIX 2B: EXPERT WITNESSES RELIED ON BY THE APPLICANT BUT NOT REQUIRED TO GIVE ORAL EVIDENCE

Dr Oysten Olsen, Consultant Paediatric Radiologist

Dr Brian Herron, Consultant Neuropathologist

Dr Keiran Hogarth, Consultant Neuroradiologist

Professor Nicola Gray, Consultant Forensic Clinical Psychologist

Dr Damien Gamble, Consultant Forensic Psychiatrist

(5 such witnesses)

APPENDIX 2C: EXPERTS INSTRUCTED BY THE DPP WHOSE REPORTS WERE DISCLOSED INTO THE PROCEEDINGS

Mr Ian Simmons, Consultant Ophthalmic Surgeon and Paediatric Ophthalmologist

Dr Neil Stoodley, Consultant Neuroradiologist

(2 such witnesses)

APPENDIX 3: WRITTEN MATERIAL

Bundle A-C2: 4088 pages

Bundle D – L: 3688 pages

Bundle M – Z9: 3692 pages

Bundle of documents filed post 30 June 2021: 32 pages

Advocates' chronology: 71 pages

LA opening: 33 pages

Mother opening: 14 pages

Agreed document on the law: 16 pages

Final submissions Kyle Bevan: 12 pages

Final submissions SH: 4 pages

Final submissions Mother: 32 pages

Final submissions LA: 19 pages

Final submissions CG: 14 pages

(Total documentation: 11,715 pages. Equivalent to 33 lever arch files)

APPENDIX 4: EXTERNAL INJURIES SUFFERED BY LOLA

Forehead

There were multiple large bruises over the whole forehead. There are multiple petechial haemorrhages over the forehead.

Right frontal area

1. A brown-pink bruise measuring 4cm x 4 cm with central pallor.
2. Two small puncture wounds, measuring 2 mm in diameter within this bruise.
3. Numerous petechial haemorrhages around this bruise.

Left frontal area

4. 5 x 4 cm circular bruise with central pallor /blue grey colouration within this bruise.
5. Inferior and lateral to this and extending to the left temple was an area of bruising with indistinct margins.

Central Forehead

6. A large blue bruise with indistinct margins between the two large brown pink bruises.
7. Three puncture wounds with fresh blood within this central bruise
8. Inferior to the central bruise and above the medial aspect of the right eyebrow a brown bruise 2 cm x 2 cm. This had a darker central area

Head/Scalp

9. An area of bruising on the right parietal scalp. This was ill-defined as it was covered with hair.
10. There were petechial haemorrhages behind the upper part of the neck/lower occipital region and behind the right ear

Eyes

11. Examination of the eyes revealed swelling and bruising around both eyes. There were petechial haemorrhages around both eyelids and across the forehead

Right eye

12. Purple blue/red bruising on the inner aspect of the eye
13. Brown bruising around the eye-lid and inferior margin of the eye.
14. Petechial haemorrhages and superficial skin changes which are brown-pink in colour, which could possibly be signs of infection or superficial trauma around the eye.
15. Two small puncture marks to the lateral aspect of the right eye

Left eye

16. Dark blue/ black bruise on the medial aspect of the left eyebrow extending to the bridge of the nose.
17. Petechial haemorrhages and superficial skin changes, brown-pink in colour, which could possibly be signs of infection or superficial trauma around the left eye, in a similar distribution to that seen in the right eye. 1.5 x 2cm brown-pink bruise extending across the bridge of the nose

Lips

19. Both lips were very swollen. The inside of her mouth was not examined due to the breathing tube. It was later noted, Lola had a wound to her frenulum on her upper lip.

Cheeks

20. Purple-black brown bruising with indistinct margins running from the region of the temple along to the outer aspect of the zygomatic area of the left cheek.
21. A 1 cm diameter blue bruise centrally on the left cheek. This bruise had indistinct margins.
22. Petechial haemorrhages on the left temple and left cheek area.
23. A black-dark blue circular bruise on the margin of the inner aspect of the left eye and bridge of the nose.

Right cheek

24. Bruising on the left jaw line with a definite dark red purple bruise with numerous associated petechiae.
25. Scratches on the right cheek and evidence of petechial haemorrhages across the chin. It was not possible to examine Lola's right cheek fully as the breathing tube was taped across this area.

Neck

26. In the midline anteriorly there are numerous scratches in different directions measuring between 1.5 to 4 cm in length. These scratches/abrasions lie horizontally.
27. There are a number of scratches on either side of the neck in a vertical direction and smaller scratches measuring 0.5 cm on the upper part of the right chest.
28. On the right side of the neck there are two distinct areas of bruising, one larger area measuring 1.5 x 3 cm with an indistinct margin with associated petechiae and inferiorly a smaller 2 x 1.5 cm area of pink bruising or cluster of petechiae

Right ear

29. Petechiae on the inner helix of the right ear and blue bruising on the outer pinna extending inwards

Left ear

30. Significant bruising to the left ear involving the inner and outer helices.
31. Blood within the auditory meatus.
32. Pink/ dark blue bruising to the helix
33. Part of a bruise with an associated abrasion from the ET tube strapping extending almost to the tragus of the left ear.
34. Behind the left ear there were numerous petechiae.
35. The left pinna is swollen with evidence of bruising behind the pinna as well as in front.

Right shoulder

36. There was an area of bruising over the upper part of the shoulder on the right side. This had the appearance of a cluster of four circular bruises in an area of 3 x 3.5 cm.
37. There was a cluster of petechial haemorrhages in front of this and on the anterior aspect of the right shoulder.

Left shoulder There were several areas of bruising on the left shoulder and upper left arm.

38. There were clusters of bruises with associated petechial haemorrhages across the shoulder from the neck to the top of the arm and a circular area of petechial

haemorrhages anterior to this. These are brown-pink to red in colour.

39. There was a brown circular bruise on the front of the shoulder anteriorly measuring 0.5 cm in diameter.
40. There was a cluster of bruises which include two brown circular bruises and two blue circular bruises with background bruising on the deltoid area of the left arm.
41. The background bruising was blue in colour, the overlying bruises brown/pink in colour. The bruises were too ill-defined and too numerous to count with any accuracy.

Upper back - There are numerous abrasions in this area

42. On the right side there were three abrasions, two of which measure approximately 8 cm in length, starting centrally and extending outwards towards the right side.
43. There was an area of abrasion or petechiae between these lines.
44. Superior to this there was another abrasion measuring 3 cm in length.
45. On the left side there was an abrasion extending longitudinally along the back for 6 cm associated with a cluster of dark brown black bruises.
46. There were two further long abrasions extending from this abrasion to the left side of the back across the inferior aspect of the scapula. Just superior to this there were numerous abrasions in different directions, measuring around 1.5 to 2 cm in length.
47. There were multiple bruises and abrasions across the back, extending from the shoulders to the upper lumbar area.
48. There were two yellow brown circular bruises measuring around 0.5 cm in diameter on the upper lumbar area
49. There were two circular green-red bruises measuring 0.5 cm in diameter on the lower thoracic area centrally.
50. There was a large area of bruising, petechial haemorrhages and abrasions across the whole of the back on the left side. The bruises varied in shape and colour and were difficult to identify as individual, separate bruises. They were too numerous to count individually.
51. There were numerous bruises also on the right side of the back with bruising extending to the right shoulder.

Lumbo-sacral area and buttocks

52. Extensive bruising to the lumbo-sacral area with an area of blue-black bruising above the natal cleft and extending to the right side above the right buttock / iliac crest on the right side. This area measured 5 x 2 cm in length.
53. Superior to this there was an area of bruising or petechial haemorrhages measuring 0.3 x 0.7 cm.
54. There was a green brown area of bruising measuring 1 cm in diameter above the left buttock
55. There was a brown bruise on the left buttock 2.5 x 1 cm in diameter.
56. There was an indistinct area of yellow bruising and abrasions over the lumbar area in the midline.

Right leg

57. There was extensive bruising on the lateral aspect of the right thigh extending in a linear fashion across to the right hip region. Inferiorly starting along the mid-thigh and extending to the inguinal region.
58. Within the area of generalised green, blue, black bruising there were clusters of bruises with indistinct margins lying in a linear formation. The area measuring 8 cm x 3 cm at its maximum width.

59. There were small, faint abrasions associated with this linear bruise and the linear bruise appeared to be made up of several smaller circular bruises all with indistinct margins.
60. There was a distinct and separate green brown bruise on the upper aspect of the right lateral thigh.
61. The second linear cluster of bruises on the right thigh measured 8 cm x 1.5 cm, brown pink in colour and appeared to be made up of several circular bruises with indistinct margins.
62. There were numerous green, black and yellow bruises inferior to these bruises.
63. There was a 1.5 x 0.4 brown linear bruise overlying the anterior superior iliac spine on the right anterior superior iliac spine

Back of Right leg and thigh

64. There were six distinct brown/pink bruises on the postero-lateral aspect of the right thigh measuring 0.5 cm in diameter.
65. There were also two smaller bruises in the same area measuring 0.3 cm in diameter one green, the other, a light brown colour.
66. There was a cluster of bruises on the right buttock measuring 4 x 3 cm and associated with linear abrasions.
67. There were a number of circular bruises on the postero-lateral aspect of the right thigh. These were different in colour from the cluster of bruises on the lateral aspect of the thigh. The largest two measured 0.9 cm in diameter and were associated with smaller and fainter bruises measuring 0.4 cm and 0.5 cm in diameter. There were around six bruises in this region

Right knee

There were a number of bruises over the right knee.

68. There was a 0.5 cm diameter brown-pink circular bruise lying centrally on the patella with bruising medially and superior to this.
69. There were two linear bruises inferior to the knee measuring 1 cm in length.
70. There are three large bruises on the front of the shin, 1 x 0.8 cm brown-pink bruise, 2 x 2 cm black-blue bruise, lateral to this, 1 cm diameter brown pink bruise.
71. There are a number of indistinct, paler bruises along the inner aspect of the right calf.

Left Upper leg and thigh

72. There was an indistinct area of brown-yellow bruising on the medial aspect of the left thigh measuring around 5 x 2 cm.
73. 2 cm inferior to this there was a smaller bruise measuring 0.5 cm in diameter.
74. On the inner aspect of the left thigh there were multiple bruises around the left knee all circular and all dark brown/pink in colour.

Left knee and lower leg

75. Above the left knee and medial to it there was a 1/2 cm diameter brown pink bruise.
76. There was a 1 cm diameter dark brown bruise medial to the patella.
77. Inferior to this there was a cluster of four bruises each measuring about 0.8 cm in diameter.
78. Along the lower leg in the midline there was a series of bruises.
79. Inferior to the patella there were two brown-pink bruises measuring 0.5 and 0.8 cm in diameter. Inferior to this there was an area of blue-black bruising measuring 0.6cm x 1 cm in diameter.
80. Inferior to this there was a dark linear bruise measuring 1.2 cm in diameter.

81. Inferior to this again, also in the midline was a dark blue bruise.
82. On the lateral side of the left lower leg there was an area of red pink bruising with surrounding yellow discoloration, the margins of this are unclear.
83. There is a circular bruise on the lower aspect of the left lower leg in the midline, dark purple/black in colour measuring 0.5 cm in diameter.

There is no 84

The left upper leg

85. On the lateral aspect of the left upper leg there was a large area of green/turquoise bruising measuring approximately 5 x 5 cm. The margins were indistinct and best described by photographs of the area.
86. Posterior to the area of blue-green bruising was a circular light brown-pink bruise measuring 1 cm in diameter.
87. There was a line of bruising along the area of the iliac crest laterally – a series of three bruises and an abrasion with underlying bruise postero-laterally. The first was dark red in colour measuring 0.3 cm in diameter. Lateral to this was a brown bruise measuring 1 cm in length and anteriorly a superficial abrasion measuring 0.5 cm in length.

Feet

88. On the dorsum of the left foot over the ankle anteriorly was a 1 cm diameter superficial abrasion.
89. There was an area of erythema on the back of the right foot with loss of the superficial layer of skin possibly secondary to a friction type injury.

Soles of the feet were not examined because of the position of the cannulae.

90. Above the right lateral malleolus (outer aspect of ankle) was a brown bruise with an overlying abrasion measuring 2 cm in diameter.

Trunk

91. There was a 1 cm diameter brown bruise on the upper right chest, above the nipple line.
92. There were around 5 petechial marks on the upper aspect of the chest on the right side.

Right arm and hand

93. There were 1 or 2 petechial haemorrhages on the upper ventral (front) aspect of the right arm
94. A 3 mm diameter black circular bruise on the ventral aspect at the mid-point of the right arm.
95. 1 x 2 cm brown bruise on the medial side of the ventral aspect of the right forearm.
96. There were two small scabbed (healing skin) areas about pinhead size over the thenar eminence (palm area adjacent to thumb) and lower ventral aspect of the right arm.

There were cannulae in the left antecubital fossa (elbow crease) and dorsal aspect of both hands.

97. There was blue-brown bruising over the right shoulder. This was difficult to examine fully because of Lola's position on the bed.
98. On the dorsal aspect (back) of the right upper arm there was a 1 x 0.5 cm bruise and a 2 x 1 cm bruise adjacent to it.

Left arm and hand

99. There was a 1 cm diameter brown circular bruise on the upper aspect of the left arm and a 2 cm diameter circular brown bruise on the lateral aspect of the left antecubital fossa.
100. On the back of the left arm there was a 0.5 cm bruise in the midline of the forearm.
101. On the medial aspect of the left forearm there were a cluster of five bruises some with indistinct margins along the medial border of the left forearm and elbow and associated with the left wrist.

APPENDIX 5: SCHEDULE OF INJURIES SUFFERED BY LOLA AND VH AFTER FEBRUARY 2020

	Date	Child	Injury Caused	Ref	Oral Evidence
1	19 April 2020	Lola	Smashed her face.	M914, item 4 – timed at 1.58am: ‘That could have been so much worse than what it was when I actually worked out what happened , it took me a while cuz I was in a different room lol if that jar would have smashed she would never have looked the same again that would have been a hospital job babe makes you think don’t it ..Hopefully she’ll learn not to play on the stairs now tho I doubt that tho unall lol xxxxxxx’	KB accepted he had sole care of her but asserted he wasn’t in the room when it happened.
2	26 April 2020	Lola	Mark to the chin.	M914, items 5 to 12 At Item 10 timed at 12.55 KB writes:- ‘I noticed it earlier on didn’t think nothing of it she’s crazy and she fell over earlier remember but I dunno she’s a crazy child xxxxxx’	
3	3 to 4 May 2020	Lola	Bleeding lip/mouth.	M915, items 29 to 40 Items 29 to 33 KB and SJ messaging between 21.51hrs and 21.54 hrs on 3 May about having taken drugs Items 34 to 39 messaging between SJ and KB from 1.03am to 1.57am on 4 May 2020 with final message in that sequence	KB accepted it happened when he was there but denied causing the injury.

				<p>from KB indicating he can hear Lola who is awake</p> <p>Item 40 message from KB to SJ at 10.05 hrs ‘I feel like shit about this morning can we just forget about it But just for the record she woke up crying I was having a piss so I went in to see what was wrong and she was stood by her bed crying . as I walked over to her she’s dropped to the floor real quickly and I presume she’s bit her lip on the way down or something ... Then when I was trying to help her cuz she was bleeding she was making a stupid noise and kicking right off you. spitting at me and making a horrible noise ... the whole thing upset me a bit I only wanted to help her feel useless and I feel you don’t trust me at all anymore xxxxxxxxxxxx’</p> <p>M852 to 855 Conversation SJ had with DT later on 4 Mar put to SJ in police interview accepts that she made up a story about Lola bashing her face on the corner and her face being all bloody and blamed it on DT.</p>	
4	10 May 2020	VH	Black eye.	<p>Attends a party with a black eye.</p> <p><u>Context on 7 May 2020</u> M392 to 393 SJ accepts that VH was in the sole care of KB when it</p>	<p>KB accepted VH in his sole care when it happened but denied causing it. Doesn’t know how it happened.</p>

				<p>occurred and at line 22 states <i>its like weird cos Im never there</i></p> <p>K45 to 48 [EB 2186 >] show KB and SJ up at 4.48am to 5.53am. KB has had sole care – see item 761.</p> <p>K47, item 770 at 10.34 KB accusing SJ of maintaining a relationship with SH. Argument continues until item 788 on K48.</p>	
5	5 July 2020	VH	No injury (?).	VH is said to have fallen down the stairs [C1/262].	
6	9 to 10 July 2020	Lola	Injury to the nose.	SJ rang Casey. Lola smashed her nose up [C1/263].	<p>KB admits that on 9 July 2020 he had taken drugs.</p> <p>KB says he and SJ with Lola.</p> <p>SJ says KB was looking after Lola. Story of dog knocking her off sofa on to the coffee table.</p> <p>Accepted in XX that K143, item 2578 to 85 [EB2284] may be a reference to this and that it occurred in the middle of the night when</p>
7	16 July 2020 <i>circa.</i> 1.30pm to 3.30pm	VH	Mark to the shoulder.	Caused in KB’s sole care.	Dog alleged to have got excited when they knocked the door on return from the park.
8	Midnight	Lola	Bang to the	SJ heard a bang when KB	

	t 16 July 2020		head.	in bedroom with Lola. KB said Lola had hit her head.	
9	By 4.26hrs 17 July 2020	Lola	Marks to her left shoulder blade	Photographed by KB at 04.26 am K165 item 2737 [EB 2306]	
10	By 6.32hrs 17 July 2020	Lola	Total of 100 sites of external injury together with brain and eye injuries.		KB alleges Lola fell down the stairs having tripped over/been pushed by the dog