

# Judicial Communications Office

Tuesday 28 June 2011

## **ROBERT ANDERSON SENTENCED TO FIVE YEARS' FOR CAUSING GRIEVOUS BODILY INJURY TO BABY SON**

### Summary of Judgment

His Honour Judge Babington, sitting today in Londonderry Crown Court, sentenced Robert Anderson to a 5 year custody probation order for causing grievous bodily harm to his baby son (X). He will serve 4 years in custody to be followed by 12 months probation. At the same time the judge also imposed a concurrent sentence of 2 years in relation to a second count of child neglect.

During a 6 week trial the court heard how on 16 December 2008 the baby, then aged 4½ months, had been left in the care of his father, the defendant, while his mother had a driving lesson. Upon her return to the house, some two hours later, she phoned her mother who attended the house to find her daughter standing at the door with X in her arms. The baby's grandmother quickly realised the child was very ill and needed immediate medical attention.

On the way to the local hospital X's condition deteriorated and a diversion to the local health centre was made. The family GP immediately took action but noting a minimal response from the baby arranged a transfer to the Mid-Ulster Hospital where resuscitation techniques were applied. The baby was then transferred to Antrim Area Hospital where a CT scan revealed he was suffering from a bleed to the brain and required intensive care.

As a result of his condition X was transferred to King's College Hospital in London where an MRI scan showed extensive subdural collections of blood in three areas of the head and significant damage to the brain itself. The treating consultant considered that all injuries had been sustained as the result of one incident.

Robert Anderson when initially asked by his partner's mother if X had been dropped or hit denied knowing what was wrong with him. At Antrim Area

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Hospital he asked the consultant how the baby's condition had happened and also asked if crying could cause a haemorrhage. The treating consultant at King's College Hospital gave evidence that Anderson had told her he had been holding his son and that X had thrown himself against his arm and he was worried that the baby might have hurt his neck. The consultant asked the defendant directly if the baby had fallen or been in an accident to which he had replied no. Approximately 2 hours after this meeting X's mother phoned the hospital and reported to a nurse that the defendant had broken down and admitted that he had dropped X when the baby had thrown himself against his arm.

During a meeting with social workers in January 2009 the defendant had told them that he had noticed that X had difficulty breathing and had put pressure on his chest with his hands and tried to blow into his mouth. He then said that he had shaken the baby after which his breathing returned to normal. When asked by the social workers why he had not sought medical attention or subsequently informed medical staff what had happened Anderson had said he had no credit on his mobile phone, did not want to leave his other children unattended and was worried about what would happen to him.

Judge Babington acknowledged that it was difficult to say exactly what happened to X whilst in the care of his father on 16 December 2008 as he did not give evidence at his trial.

A majority jury (10-1) found Anderson guilty of causing the baby grievous bodily harm and unanimously found him guilty of child neglect.

In deciding the sentence to be imposed the judge considered the following features to be aggravating factors:

- The catastrophic injuries sustained by X (these include permanent blindness, severe developmental delay, quadriplegic cerebral palsy and epilepsy);
- The fact that X was totally defenceless being only 4½ months old;
- The abuse of trust as the defendant was X's sole carer at the time;
- The fact that medical attention was not sought and little if any information was ever given to the medical staff treating X although there was ample opportunity;
- The defendant's criminal record although it contains nothing in relation to personal violence;
- The defendant's apparent lack of remorse.

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The judge considered that it had been very difficult to gauge whether the defendant was genuinely remorseful or more concerned about his own position.

He sentenced Anderson to 4 years' imprisonment to be followed upon his release with a further 12 months' probation. Had the defendant not consented to the imposition of a custody probation order the total sentence would have been one of 5 years' imprisonment.

## NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Courts and Tribunals Service website ([www.courtsni.gov.uk](http://www.courtsni.gov.uk)).

**ENDS**

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