



JUDICIARY OF  
ENGLAND AND WALES

**REGINA**

**-v-**

**MIHAI CATALIN GULIE**

**GABRIELA ION**

**Liverpool Crown Court**

**26 November 2021**

**Sentencing Remarks of Mrs Justice Yip DBE**

1. Mihai Catalin Gulie, you are 28 years old and are to be sentenced for the murder of your baby son, Robert. Gabriela Ion, you are 35 years old, you were Robert's mother and, as the jury found, you should have protected him from Mr Gulie. You are to be sentenced for allowing Robert's death at the hands of his father, having been convicted of the offence under section 5 of the Domestic Violence, Crime and Victims Act 2004.
2. Robert was only 6 months old when he died in February this year. He had Down's syndrome and some associated medical problems. He spent the first months of his life in hospital. He was discharged home just before Christmas and came to live with you two, his parents, and his older sister, your daughter. You, Gabriela Ion, had a close and loving family. They adored Robert, as the moving statements I have read and which have been summarised today make clear. He is described as a smiley and good baby. He had his life ahead of him and no doubt would have continued to bring joy to those around him.
3. Robert's special needs brought challenges beyond those of caring for any young baby. He had trouble feeding and required regular feeds day and night. You were encouraged to attempt to give him a bottle but he also had to be fed through his PEG tube. Your health visitor had not noticed anything to cause concern. Robert appeared to be well cared for. He was bright and alert and appeared to interact well with both of you. Mr

Gulie, I accept you worked hard, doing two jobs to provide financially for the family. You also did most of Robert's night feeds because Miss Ion could not manage to set up the feeding machine. This undoubtedly led to tiredness and frustration but that cannot, of course, excuse what you did.

4. You, Mr Gulie, plainly had a quick temper. You have previous convictions in the Czech Republic for offences involving domestic violence towards a former partner. I know that you continue to deny that you were guilty of these offences. You were convicted in your absence and these matters were not explored at trial. Although I have no reason to doubt the convictions, I will avoid treating them as an aggravating factor when sentencing you. You admitted to pushing Miss Ion violently because she had not cooked when you returned from work. You appeared to regard that as a reasonable response. You also admitted to an occasion when you had thrown Robert because you "lost control to the devil".
5. The evidence from your next door neighbour revealed that Robert and your daughter were living in a climate of aggression. They could frequently be heard crying while raised adult voices could be heard. Although your daughter was generally well cared for, both of you had assaulted her on occasion. Miss Ion, you admitted to having a wooden spoon to hit her with when, in your words, she was cheeky. She was only two years old and the misdemeanours for which you thought it appropriate to punish her in this way included being reluctant to have her nappy changed. I am satisfied that you, Mr Gulie, were the primary aggressor. However, Miss Ion, you would regularly raise your voice in return. On your own account given at trial, when you were no longer covering for your partner, there had only been the one occasion when Mr Gulie was physically violent to you. Without minimising the seriousness of any domestic violence, that was a relatively minor incident. I consider that you overstated the fear you were in, although I would readily accept there were times when Mr Gulie was very unpleasant to you.
6. You were both aware that Robert's development was delayed and that he was a particularly precious baby. Mr Gulie, you referred to the need to treat him "like porcelain". Robert was not treated like porcelain though. On at least one previous occasion before the fatal assault, he had suffered serious injuries. The post-mortem revealed rib fractures which had the typical appearance of fractures sustained 14 days before death. There was also evidence of non-accidental head injury around the same time.

7. Messages sent and internet searches by you, Miss Ion, fit with an assault on 7 February. In the end, you admitted that you had seen Mr Gulie grab Robert by the chest and forcefully shake him, then slam him into his crib. Your response to that was to search the internet for remedies to get rid of bruising quickly. You admitted you had put an onion on Robert's bottom and applied toothpaste to bruising on his face. Having heard all the evidence at trial, including your evidence, I reject your suggestion that you were doing this only for Robert's benefit. I do not think it was a coincidence that you were concerned to get rid of the bruising shortly before you were due to take Robert for his immunisations, although to your credit you did still take him. The nature and timing of the searches coupled with your conduct after the fatal assault leave me in no doubt that you were seeking to cover up what your partner had done. You knew Robert was hurt. You described carrying him upstairs after Mr Gulie had assaulted him and noticing he was, to quote you "whinging on one side". This stuck in your mind and you must have realised it was significant, yet you did nothing to seek treatment or help for Robert. Had you done so, his fractured ribs would have been discovered and Robert would have been alive today. That is something you must live with for the rest of your life.
8. This was not the only time you witnessed Mr Gulie being violent to Robert. You described another occasion when he picked Robert out of his pram and threw him onto the sofa. Significantly, it happened after you had spoken to Mr Gulie's brother, Florin, about what you had seen. You said you had done that because you thought a brother to brother conversation would stop Mr Gulie doing it again. But he did do it again. You knew that Florin's conversation had no effect because you saw Mr Gulie abuse Robert again after Florin spoke to him and before the fatal incident. You could and should have sought support to remove your children from Mr Gulie's reach. You might have gone to the authorities or reported your concerns to the health visitor. At the very least, you could so easily have sought the support of your family. You know that they would have helped you. After that one conversation with Florin, you did nothing more to protect Robert.
9. On 18 February, you Miss Ion went to a shop with your daughter to get her some sweets. You were not gone for long, only about 5 minutes. When you came home, you were confronted with the dreadful reality that Mr Gulie had again assaulted Robert. While you could not have anticipated that happening in the short time you were away, I have no doubt that you realised what had happened. Robert had been healthy when you left

him in his father's care. When you returned, he was lifeless. There was only one sensible explanation.

10. That explanation was that you, Mr Gulie, had again taken your temper out on Robert, as you had done before. This time, the injuries inflicted were even worse. Robert suffered catastrophic trauma affecting his head, spine and eyes. There was a skull fracture. The trauma to the eyes was particularly severe even by the standards of fatal traumatic injury. The findings suggested shaking or impact or both. Of course, only you, Mr Gulie, know exactly what you did to Robert. You have not been prepared to say.
11. Even as Robert was critically ill, your first instinct Miss Ion was to cover for your partner rather than to protect your child. You continued to lie to the doctors who were trying to help Robert, to the police and social workers. You took a toy to the hospital and claimed Robert may have hurt himself with that, a suggestion which you recognised when giving evidence was ludicrous. You told the police that Mr Gulie was a good and caring father.
12. I accept that you were both distressed by Robert's death, although you, Mr Gulie, have demonstrated no remorse for what you did. You, Miss Ion, have shown greater regret. Although you maintained your plea of not guilty, you did make significant admissions at trial about your conduct. I have considered the psychiatric report of Dr Vandenabeele dated 26 September 2021 and note that you are suffering from an adjustment disorder. It appears that you have not yet begun to grieve properly for your son. In addition to the loss of your son, you have also experienced the removal of your daughter from your care. I accept that these losses are a source of real distress for you.
13. As far as you are concerned, Mr Gulie, there is only one sentence that the law allows to be passed for murder: that is a mandatory life sentence. That is the sentence I shall pass but I am also required to specify the minimum term which must elapse before you can be considered for release on licence. It will then be for the Parole Board to consider whether, and if so when, you can safely be released.
14. Parliament has set out a statutory scheme for sentencing for murder in Schedule 21 to the Sentencing Act 2020. The starting point in this case before considering aggravating and mitigating factors is 15 years. That will not be the end point.
15. Statutory aggravating factors are set out at paragraph 9 of Schedule 21. I find that the following sub-paragraphs apply to this case:
  - (b) the fact that the victim was particularly vulnerable because of age / disability;

- (c) mental or physical suffering inflicted on the victim before death;
- (d) the abuse of a position of trust.

16. I shall be careful not to double count these factors. Any six-month old baby is vulnerable. Robert's disability meant he was particularly precious and was not as developmentally advanced as other babies of the same age. But it was really his age that made him vulnerable. Like other babies, he was wholly dependent on those who cared for him. That meant you were in a position of trust but that is really the other side of the same thing. In short, the offence is aggravated by the fact that Robert was a young baby and you were his father with all the responsibility that brought.
17. Having heard the evidence, I have no doubt that you had abused Robert on more than one occasion before the fatal incident on 18 February. Two weeks before his death, you had inflicted a serious assault on him causing a head injury and the rib fractures. The earlier assaults amount to a significant aggravating factor. Poor Robert undoubtedly suffered pain in the last days of his life as Miss Ion's evidence revealed.
18. I consider that the following mitigating factors referred to in paragraph 10 to Schedule 21, are relevant:
  - (a) an intention to cause serious bodily harm rather than to kill
  - (b) lack of premeditation.
19. I accept that you did not plan to kill Robert and it seems likely that, even in the heat of the moment, you did not intend to kill him. Clearly things happened very quickly. You lost your temper. It is likely that the intent to seriously harm Robert formed in an instant. You promptly sought medical help for Robert by calling your relative. The short nature of the attack may have offered greater mitigation had you not hurt him before. However, this was not an isolated incident. You knew you could not keep your temper and that Robert was not safe from you. Yet you did nothing to address that.
20. I balance all the aggravating and mitigating factors I have identified in arriving at the final minimum term which I will impose.
21. In relation to you Miss Ion, I must sentence you having regard to the relevant sentencing guidelines. I bear in mind that you are being sentenced on the basis that you allowed, rather than caused, Robert's death.
22. I adjourned sentencing to obtain a pre-sentence report. I have raised some concerns about the contents of the report which was produced yesterday, I consider it a matter of real concern that the author had not even correctly identified the offence for which you were to be sentenced. Although partially corrected today, I am bound to say that

the report has been of limited assistance. However, I do have the benefit of the psychiatric report. I also heard your evidence at trial, which included some detail of your background including your childhood, which I accept cannot have been easy. I am satisfied that I have sufficient material to allow me to make a fair assessment of your culpability and relevant mitigation and that it is not necessary for me to seek any further report at this stage. I have listened carefully to all that has been said on your behalf.

23. I regard your culpability as clearly falling within the medium category within the guidelines.
24. On your own admission, you witnessed Mr Gulie being violent to Robert on more than one occasion. I have no doubt that the incident on 7 February was particularly serious and that you appreciated that Robert had suffered real physical harm as a result. You saw what Mr Gulie did and you were aware afterwards that Robert was hurt. He was in obvious pain as you noted when carrying him upstairs. You saw the bruises. Rather than seeking any treatment for Robert, you sought a way to get rid of his bruises quickly. I am sure that you were seeking to cover up for what Mr Gulie had done.
25. You took extremely limited steps in response to what you had witnessed. You did speak to Mr Gulie's brother after the incident on 7 February but you knew that this had not had the desired effect because you saw him abuse Robert again. After that, you took no further steps. Even accepting you may have found it difficult to go to the authorities, there is no explanation for why you did not seek support from your own family. You accepted in evidence that they would have offered protection.
26. I have explained that I consider you overstated the extent to which you were in fear. I do not consider your case to be one in which domestic abuse explains the commission of the offence. The abuse that you did experience, which was primarily verbal, offers some limited mitigation but does not alter my view that your case falls squarely into the medium culpability category. Naturally, harm falls in the highest category, making this a Category 1B case.
27. I have already taken account of your failure to seek medical help after the earlier incident and your attempt to cover up the bruises in my assessment of your culpability. There was no delay in seeking treatment after the infliction of the fatal injuries but I do regard your lies to the doctors, police and social workers after Robert had been so badly injured as aggravating your offending.

28. Set against that, I take account of all your mitigation. I have regard to your previous good character and my observations of you during the trial. Although you have no mental disorder or learning disability, you presented as somewhat lacking in sophistication and maturity. I accept that your childhood was not easy and note that your mother died when you were only 6 years old. That may have played some part in your development. I put the abuse directed towards you into the balance, albeit I have concluded it offers fairly limited mitigation. Despite your denial of the offence, you did display evidence of remorse and regret that you had not done more for Robert. I recognise that this is something that will remain with you forever. I saw your reaction when you watched the video evidence featuring your daughter and I do not doubt the pain your separation from her has caused. I am very conscious of the impact upon her. I am told that the proceedings relating to her have not yet concluded. While it seems unlikely that she will be returned to your full-time care within the foreseeable future, I understand your wish to re-establish a relationship with her if that is to be permitted. I acknowledge that if work is to be done towards that end, the sooner you are released the sooner that can start. Your difficulty in communicating in English is likely to make your imprisonment harder and I am conscious also that you have experienced imprisonment during the pandemic when conditions have generally been more difficult.
29. Even taking account of all these mitigating factors, Miss Ion your offence is in my view plainly so serious that it can only be met by an immediate custodial sentence. Your mitigation does though operate to reduce the sentence which I would otherwise have passed. In determining the length of your sentence, I have your daughter's position firmly in mind.

### **The sentences**

30. Mihai Catalin Gulie, for the murder of Robert Ion, I sentence you to life imprisonment. Taking account of all the factors I have set out, the minimum term will be one of 20 years, less the 274 days that you have spent on remand in custody following your arrest. If that calculation is found to be erroneous, it will be corrected without the need for a further hearing.
31. The minimum term is just that, it represents the minimum period you will be required to serve. You may in fact serve much longer and you cannot be released unless and until the Parole Board decides that you are no longer a danger. You must also understand that if you are released you will remain subject to licence for the rest of your

life and may therefore be liable to be recalled and to continue your detention if you reoffend.

32. Miss Ion, for allowing the death of Robert, the least possible sentence I can impose having regard to the seriousness of the offence and all that has been said in mitigation on your behalf is one of 3 years' imprisonment.
33. You will serve up to half of your sentence in custody before you are released on licence. The time you have already spent on remand will be counted towards the time you must serve automatically. You must keep to the terms of your licence and commit no further offences, or you will be liable to be recalled and you may then serve the rest of your sentence in custody.
34. The appropriate statutory surcharge will be applied in each case.