



JUDICIARY OF
ENGLAND AND WALES

R v Sarah O'Brien and Martin Currie

Sentencing remarks of the Honourable Mrs Justice Jennifer Eady DBE

Sheffield Crown Court

11 November 2020

Introduction

1. Martin Currie and Sarah O'Brien, you are to be sentenced for offences relating to the death of Keigan O'Brien. The jury found that you, Martin Currie, murdered Keigan, and that you, Sarah O'Brien, allowed his death by failing to take reasonable steps to protect him from the risk of serious harm being caused to him by Martin Currie. Both of you also fall to be sentenced for the offence of child cruelty.
2. In both your cases the appropriate victim surcharge will apply and I am required to inform you that your convictions mean that, subject to your right to make representations to the Independent Safeguarding Authority, you will automatically be barred from engaging in regulated activity with children pursuant to the relevant statutory provisions.

The Facts

3. On 6 January 2018, Keigan O'Brien celebrated his second birthday; two days later, he went into cardio-respiratory arrest, having suffered a catastrophic head injury. Despite the best efforts of first responders and medical teams at Doncaster Royal Infirmary and Sheffield Children's Hospital, Keigan suffered irreversible brain damage and could not survive his injuries; he died at 3.04pm on 9 January 2020.
4. Keigan was a beautiful little boy; witnesses spoke of him as a happy and affectionate child and his grandmother described him as "a cuddly little baby"

who enjoyed “cuddles and hugs”. I have paid careful regard to the victim statement of Keigan’s uncle Michael (Sarah O’Brien’s brother), who has spoken on behalf of Keigan’s family, and to that from Keigan’s biological father; I am mindful of the utter tragedy Keigan’s death represents for his family. The pain will be all the more acute for Keigan’s sisters: they have lost their brother and must come to terms with the fact that their mother was found guilty of allowing his death. No sentence I pass today can bring Keigan back or mitigate the sentence already imposed on those other family members.

5. You, Sarah O’Brien, were Keigan’s mother. You had not been in a relationship with his father and this was not a planned pregnancy. You were already bringing up two young children alone, and were concerned as to whether you could cope with another child. You determined, however, to keep the baby and, when you gave birth to a son on 6 January 2018, you said it was one of the happiest days of your life.
6. In the summer of 2018, when Keigan was about six months old, you moved into 22 Bosworth Road, Adwick-Le-Street, Doncaster. You were struggling financially and, as a single mother with three children under 10, life was challenging. You were, however, happy with your new accommodation, and had support from your mother, and contact with your sister and friends, who also had young children. Your children were generally healthy, and you had no involvement with social services; there was no apparent reason for concern.
7. In June/July 2019 you, Martin Currie, came into Sarah O’Brien’s life. You had three children yourself, with your former wife, Kelly, and your daughter was in the same class at school as Sarah’s eldest daughter. At the time you were living at your parents’ house, sleeping on their sofa. You were a former heroin addict (then clean for six months), with previous convictions for offences of violence, public disorder, and drug trafficking. Within weeks you were declaring your undying love for Sarah O’Brien and by the end of the school holidays you had moved into her home.
8. At the start it seemed the relationship was positive: you supported Sarah O’Brien with the household chores, helping to bring a degree of stability into the home. Not long after moving in, however, I am satisfied that you began to

treat the three children with contempt, and you, Sarah O'Brien, followed the lead of this new man in your life, allowing him to shout and swear at your children and adopting the cruel and dehumanising names he used, in particular when referring to Keigan. At times you protested to Martin Currie about his conduct, but it is plain that it continued and that you decided to put your relationship before the interests of your children. In time, the dehumanising treatment that I am satisfied you jointly meted out to Keigan extended to shutting him in his room, adjusting the door handle so he could not get out, and leaving him to cry. Keigan was also subjected to physical punishment, as evidenced by various messages sent between you and by unexplained bruises seen on Keigan by others. As the forensic and post-mortem evidence made clear, this also involved extreme acts of violent abuse.

9. In the autumn/winter of 2019, Keigan suffered fractures to at least 3 vertebrae; fractures to his ribs, on both sides; a subdural bleed to his head and spine, and injury to his eyes. The fractures to Keigan's spine were unusual; caused by a severe force - most likely a forceful slam into a hard surface or shaking with such force that the body moved in on itself. The perpetrator and any witness to the assault would have been aware that Keigan had suffered a significant injury, but – given how his spine would move each time he moved – I am sure that Keigan would also have shown signs of on-going distress. Similarly, given the pliable nature of the rib cage of an infant of Keigan's age, the fractures to his ribs would also have required a very significant force, at least that used in CPR, and the evidence suggested they were likely due to a blow, a stamp, or a kneeling to the chest. Again, the perpetrator and any witness would have known that Keigan had been injured and I am sure his on-going distress in the days following the assault would have been apparent to those in close contact with him. As for the earlier injuries to Keigan's brain, spine and eyes, these suggested he had been shaken forcibly; the perpetrator and any witness would again have known that Keigan had been injured, but I am again sure that even those not present but who were involved in Keigan's day-to-day care would, in the days that followed, have been aware that something was wrong.
10. In early December 2019, Keigan was seen with fading bruises on either side of his face, consistent with grip marks; similar bruises were also seen on Keigan's

face on 8 January 2020, apparently sustained during the fatal assault on Keigan that morning. Such bruising paints a picture of how Keigan was handled on at least two occasions: forcibly gripped around the face. Forensic examination of 22 Bosworth Road also revealed spots of Keigan's blood on the wall behind his highchair and, on the evidence from Dr Kalentschi, I am sure these were caused by a blow to Keigan's face while he was already bleeding from his nose or mouth. Although I cannot be certain when this assault took place, it seems most likely that it occurred sometime before 8 January 2020.

11. Both of you denied knowing anything of these earlier injuries, but the verdicts on count 4 (child cruelty) make clear the jury rejected those denials, satisfied that, whoever was the perpetrator, the other assisted or encouraged that ill-treatment or, at least, wilfully neglected Keigan thereafter.
12. The past assaults on Keigan set the scene for the fatal injuries he sustained on the morning of 8 January 2020. Keigan suffered fractures to the bones in his left forearm, at the growth plate where the arm joins the wrist, caused by a pulling/twisting apart of the cartilage from the bone; something that would have caused him great pain and distress. Keigan also suffered a bleed to the brain (caused by a trauma to his head), injury to the nerve roots of his spine, and extensive bleeding within the retina and optic nerves of both eyes; these injuries suggest Keigan was forcibly shaken, with some twisting of his body, and thrown against a hard surface.
13. Martin Currie, having listened to your evidence in this trial, it apparent that the jury rejected your account as a pack of lies: they were sure that you inflicted the fatal injuries on Keigan, intending to cause him at least really serious bodily harm. Although you have not seen fit to tell the truth about what happened on the morning of 8 January 2020, it seems that after Sarah O'Brien had left the house to take her daughters to school, Keigan must have woken and disturbed you as you lay in bed looking at porn on your 'phone. Apparently triggered to a fit of temper at being interrupted by the two-year old, the most likely scenario is that you violently yanked him by his arm, causing the fractures to his wrist, shook him and threw him down, hitting his head against a hard surface. It may be that Keigan had needed his nappy changed and you interacted with him, while he was bleeding from his nose and mouth, picking him up (and thus

getting his blood on your dressing gown) before putting him back on his bed, leaving him to bleed onto his pillow, while you returned to browsing gambling and porn sites on your 'phone. It is chilling to think that the gaps in your internet use provide the best evidence as to the time Keigan was fatally assaulted. Although you must have been aware you had left Keigan seriously injured and in severe distress, you continued to ignore him until shortly before 9 am when, on your own account, you discovered Keigan floppy and cold, not breathing. Your internet history reveals the desperate searches you then undertook for "unconscious" and "unconscious and gurgling", although at no stage did you take the most obvious step of calling the emergency services.

14. Whether or not you ever really attempted to resuscitate Keigan, it is apparent that, from the first, your concern was to protect yourself. Otherwise you would have called for help, rather than leaving Keigan in his room for nearly two hours. In a particularly pathetic sign of your self-absorption, you tried to make contact with your drug-dealer (you had returned to heroin in early December 2019) over an hour before you called for Sarah O'Brien to ring 999.
15. You, Sarah O'Brien, came home shortly after 9 am. It may be that Martin Currie initially lied to you, reassuring you that Keigan was still asleep. It is hard to believe that you did not yourself go upstairs to check on Keigan at any time before you 'phoned 999 at 10:56 that morning but I cannot be sure that was the case. Even if you did not, given the injuries you would have been aware Keigan had previously suffered, you knew you had left your son at significant risk of serious physical harm when you left him with Martin Currie that morning and, when you were alerted to Keigan's lifeless body, you must have known that he had been seriously assaulted by Martin Currie.
16. When contact was made with the emergency services, you, Martin Currie engaged in a cruel charade, purporting to try to carry out CPR on the child you had viciously assaulted and left seriously injured some two hours earlier. You lied to the emergency services operator about what had happened and when you had first become aware of Keigan's collapse; you similarly lied to the first responders who attended and desperately tried to revive Keigan; and you lied when Keigan was admitted to hospital, as you watched the medical staff rushing to do what they could for this helpless child. Your lies continued, both

to the police in your interviews and to members of your family who offered their support to you in prison, little knowing you were cynically using your knowledge that prison telephone calls are recorded and monitored to try to strengthen your false account.

17. As for you Sarah O'Brien, it may be that, in your distress, you managed to persuade yourself that you could not be to blame, but you failed to say what you must have known: that Keigan must have been fatally injured by the man you had left him with that morning. You too thus misled those public servants who were doing so much to try to help your son.

Considerations Relevant to Sentence – Martin Currie

18. As I have said, there is only one sentence for murder; that is life imprisonment.

I am, however, required by parliament to set a minimum term by reference to schedule 21 to the Criminal Justice Act 2003. You are now 36; I am prepared to accept that the appropriate starting point in this case is 15 years, but I am then bound to consider and weigh up the aggravating and mitigating factors in deciding the minimum term you must serve. In this case, it is agreed that this must reflect not only the circumstances of the murder but also the additional criminality in your conviction on count 4 – child cruelty.

19. The jury's verdicts on count 4 make clear they found you had inflicted the earlier injuries on Keigan, or participated in the infliction of those injuries. Had I been sentencing you for the offence of child cruelty in isolation, the seriousness of your offending behaviour would have led me to pass a sentence at or near the 10-year maximum. I would then need to allow for the early release provisions and to have regard to the principle of totality. I do not, however, adopt a mechanistic approach to the overall assessment of seriousness when determining the correct minimum term in your case and I consider that your earlier violent and abusive conduct towards Keigan should be viewed as a substantial aggravating feature of count 1, without imposing a separate penalty for count 4.

20. There are other aggravating factors in this case. The first is that Keigan was particularly vulnerable because of his young age. Second, these offences involved the grossest abuse of a position of trust: you had placed yourself in the

role of Keigan's father, your duty was to protect him; instead you abused, injured and killed him. There is a degree of overlap between these first two factors, and I keep that in mind to avoid double-counting. Third, you inflicted appalling physical suffering on Keigan before he died: the pulling fractures to his arm; violently shaking him and hitting his head against a hard surface; then leaving him for over two hours instead of seeking immediate medical assistance. Fourth, you then engaged in a deliberate and elaborate deception during the 999 call and in your interactions with the first respondents and the treating physicians, notwithstanding the fact that they were looking to you for information about Keigan's injuries to try to save him.

21. I turn to the mitigating factors. I am prepared to accept your intention was to cause serious bodily harm rather than to kill. Where, however, the victim is as young and vulnerable as Keigan, and the violence so great, that distinction may count for little, although I do make some reduction. I also accept that there is no evidence that this final assault on Keigan was premeditated. Again, that only goes so far against a background of earlier serious physical abuse and given your earlier messages to Sarah O'Brien, in which you advocated the use of violence to deal with Keigan; I thus make some reduction but it cannot be significant.
22. Ultimately, I must sentence you for the violent murder of a blameless two-year old child left in your care. In doing so, I have balanced all the aggravating and mitigating factors I have identified in arriving at the final minimum term which I impose.

Sentence:

23. Martin Currie, for the murder of Keigan O'Brien, I sentence you to life imprisonment. Having regard to all the factors I have set out, the minimum term will be one of 22 years, less the 306 days you have already spent in custody on remand (if that calculation is found to be erroneous, it will be corrected administratively without need for a further hearing).
24. It is important that you – and everyone concerned with this case or reading or reporting this sentence – understand what your sentence for murder in fact means. The minimum term is not a fixed term after which you will automatically be released but the minimum time that you will spend in custody before your case can be considered by the Parole Board. It will be for the Parole

Board to say at that time whether or not you are fit to be released. You may never be released. If you are released, you will be subject to licence and this will remain the case for the rest of your life. If for any reason your licence were to be revoked, you would be recalled to prison to continue to serve your life sentence in custody.

25. There will be no separate penalty on the count of child cruelty.

Considerations Relevant to Sentence – Sarah O’Brien

26. In sentencing you for allowing the death of Keigan O’Brien, I have had regard to the relevant sentencing guidelines. This is a category 1 case in terms of harm; I am further satisfied that it falls within category A – high culpability. In reaching this conclusion, I have taken into account the jury’s further guilty verdict on count 4 (child cruelty). Given the need to adopt a proportionate approach: properly reflecting the seriousness of your offending behaviour whilst having due regard to totality, I do not impose a separate penalty on count 4 but take it into account in my assessment of seriousness on count 2.

27. This is a case where there had been prolonged and/or multiple incidents of abuse, including at least one previous serious assault resulting in injuries to Keigan’s head, eyes, spine, and ribs. It is against this background that the jury found that you were aware, or ought to have been aware, of the risk of serious physical harm posed to Keigan by Martin Currie: at the very least, you failed to protect Keigan, leaving him with Martin Currie, to be subjected to the very significant force used in the incident that led to his death. I take into account your personal inadequacies, but your conviction on count 4 represents a finding that, at the least, you wilfully neglected Keigan: choosing to ignore the warnings and neglecting to seek help (medical or otherwise) when you should have been aware of the threat to your son’s well-being.

28. A case falling within category 1A attracts a starting point of 9 years’ custody, with a range of 7-14 years. In your case, my assessment of seriousness must also be informed by your offending behaviour under count 4, which – whether seen as ill-treatment or neglect - puts this case at the higher end of that range.

29. In considering the aggravating features of this offence, I do not double count those matters to which I have had regard in assessing culpability. In addition, however, I am satisfied that there must have been a deliberate attempt on your

part to cover up the crime that you must have known Martin Currie had perpetrated, failing to identify the concerns that you must have had as to his guilt when you were responding to those who were trying to help Keigan. It is a further aggravating feature that at least one friend tried to warn you about Martin Currie, although this has less force given what you must already have known about his behaviour.

30. As for mitigating factors, you are 33 and of previous good character and I take that into account in your favour. I also accept that you were a woman with low self-esteem, vulnerable to the attentions of someone like Martin Currie but it was not your case that he controlled you or that you were in fear of him. As your counsel has said, there is also some evidence of remorse on your part and I accept that no sentence that I pass will be greater than that you have already imposed on yourself: you have lost your son forever and have been separated from your daughters; your culpability does not detract from that tragedy.

Sentence:

31. Sarah O'Brien, for allowing the death of Keigan, the minimum sentence that I can impose that reflects the gravity of this offence, taking into account all the factors I have set out, is one of 8 years' imprisonment. The practical effect of my sentence is that you will spend half that term in custody before being released on licence and you may then be recalled if you breach the terms of that licence.

32. The 306 days you have already spent in custody on remand will fall to be deducted from your sentence (if that figure is incorrect then it can be corrected administratively, without the need for a further hearing).

33. There will be no separate penalty on the separate count of child cruelty.