

Mother accused of killing baby son goes free

Tears as three-year battle to prove innocence ends when judge rules out retrial over Dylan's death

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A WOMAN accused of shaking her baby son to death walked free from court yesterday after a three-year ordeal to prove her innocence.

Victoria Scott's legal battled ended when a judge ruled she would not have to face a retrial for the manslaughter of 10-week-old baby Dylan, who died on May 7, 2003.

The 21-year-old now hopes to rebuild her shattered life after the judge said it was not in the public interest for her to face another trial. An earlier jury failed to reach a verdict last May at Sheffield Crown Court.

"It would have been Dylan's fourth birthday on February 23. I have not been able to grieve for him properly with all this hanging over me. I haven't even buried him yet. It is only now that I can start planning his funeral," said Miss Scott.

She sobbed in court as Mr Justice Holland ordered the indictment stayed, halting proceedings, following submissions by her defence lawyers that a retrial would be an abuse of process.

The judge concluded: "The public interest was wholly satisfied, some might say more than satisfied, by the first trial."

Speaking of her relief after the hearing, Miss Scott, known as Viki, said she could not wait to be reunited with her boyfriend, Darren Wareing, and his daughter and spend a night at home in her own bed.

That will not happen immediately as she has to ensure social services will allow her to live back at their home in Goole full time.

There have been restrictions on access to her partner's daughter which meant she had to live with her grandparents near Ilkley while on bail.

Her boyfriend stood by her throughout her ordeal. "I have had wonderful support from him, family and friends but this destroyed everything else.

"I've not had a life. I've gone from 17 to 21 without having anything at all," she said.

"I used to be so funny, I always had so much energy but I'm so tired now and feel so poorly."

The judge heard there had been serious effects on Miss Scott's health from the stress of the case, including the acceleration of a gynaecological condition which will leave her unable to have more children.

"I have been told for medical reasons I can't have kids any more. We wanted children and I am devastated that even that has been taken from me."

Miss Scott's ordeal began when she found Dylan was not breathing on May 6, 2003 and she rushed into the street screaming for help.

She says he had not been well for a couple of days after receiving his MMR immunisation.

He was taken to Goole District Hospital where doctors managed to restart his heart but after he was transferred to Leeds General Infirmary doctors concluded he had suffered irreversible brain damage and his life support system was switched off the next day.

The police were involved after allegations that Dylan had been shaken and, after extensive medical inquiries, Miss Scott was initially charged with murder and spent a month in custody.

But she always protested her innocence and a medical expert consulted by her defence maintained the baby could have died from an infection or sudden infant death syndrome.

Miss Scott, who works as a telephone customer adviser for a bank, said she believed police were right to investigate such allegations but questioned the way it was handled.

"It needs to be investigated. There are kids out there who have been hurt. It is not right and I understand they have to do that.

"They have got to do their job. I would be devastated if somebody hurt my kids.

"But it is the way it is handled. It just feels as though they are against you and that nobody is listening when you say you are innocent."

She said she felt overwhelmed when the judge ruled in her favour. "After being treated that way for so long for someone to actually acknowledge the situation and look at it sensibly is incredible."

She thanked her solicitor, Colin Byrne, for his constant support and hard work on her behalf.

She said: "He has been wonderful and went way beyond what you would expect."

Last night after the judge ruled the solicitor's costs should be repaid, Mr Byrne said he was delighted for Miss Scott and her family.

He said the judge had acknowledged there was no evidence of assault and that the defence case that the baby may have died from infection or sudden infant death syndrome could not be ruled out.

After the decision Detective Chief Inspector Sharon Fielding, of Humberside Police, said it had been a complicated case to investigate and there were no winners.

"We must not forget that a baby has lost his life and it was absolutely right it was thoroughly investigated."