

Judge throws out case against 'loving mother' accused of shaking baby to death

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Dismissed case: Judge Timothy Pontius

Fresh questions were raised by a judge yesterday over the safety of 'shaken baby syndrome' convictions after he cleared a woman of killing her child.

Judge Timothy Pontius said that the opinions of medical experts were not enough to convict a mother of murder or manslaughter.

The decision throws into doubt scores of cases in which women have been accused of shaking their babies to death.

It follows a series of scandals over mothers accused of killing children on the basis of medical evidence which was found to be flawed.

Angela Cannings, Sally Clark and Trupti Patel were all tried for killing their children, with Cannings and Clark jailed. But all three were eventually cleared in cases that discredited medical experts.

After the Old Bailey case against Fatima Miah folded yesterday, prosecutor Edward Brown QC said the decision was likely to affect cases currently before the courts.

Mrs Miah, 27, was facing trial for the second time over the allegation that she shook her son Anas to death in May 2007.

In the first last November a judge ruled that she should not be convicted of murder and a jury failed to agree on a manslaughter charge.

She told police that her baby collapsed after falling off the sofa.

However, experts said the baby suffered a 'triad' of injuries that showed the death could not have been an accident.

The three injuries were bleeding on the brain, bleeding in the eye and swelling of brain tissue.

But Judge Pontius dismissed the case after prosecution experts eventually conceded that the theory left too much room for doubt.

He said there were grounds for suspicion but 'suspicion and no more can never be enough'.



Past cases: Solicitor Sally Clark (left) was wrongly jailed for murdering her two sons in 1999 but cleared by the Court of Appeal in 2003. Trupti Patel, right, was accused of suffocating three of her own babies but cleared of murder in 2003

The medical experts accepted that there have been cases in the past in which a triad of injuries has been caused by accident.

They were also unable to discount Mrs Miah's story that her son's injuries were caused by a 'short fall'. She was also described in court as a 'caring, dutiful wife and a loving mother'.

Mrs Miah told the court that the baby went 'blue and grey' after falling over at home in White City, West London.

'He was playing with his toy,' she said. 'Then he rolls over, he gets on his front on his crawling position and gets to the sofa.

'He was standing, on his two feet, standing up holding the sofa with one hand and patting it with the other. He looks towards me and he let go and he falls. I picked him up and as I picked him up saliva was coming out of his mouth and he was making noises and suddenly there was lots of vomit coming out of his mouth.

'Then he went into a spasm and then absolutely nothing, everything went floppy.'

Following the judge's decision, Edward Brown QC, prosecuting, said there would have to be a decision about whether the ruling had any general application 'because there are cases up and down the country either pending or being heard or which have been heard.'

Read more: <http://www.dailymail.co.uk/news/article-1203045/Judge-throws-case-loving-mother-accused-shaking-baby-death.html#ixzz0MrVrjQNP>