

My three-and-a-half-year ordeal, by man accused of shaking baby

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A man accused of shaking an 11-week-old baby and causing severe brain damage has been cleared after a series of hospital blunders was revealed.

Stuart Bailey, 41, insisted he had done nothing to harm the infant and his lawyers claimed the case against him was 'very seriously flawed' and based on mistakes by doctors.

His three-and-a-half-year ordeal ended when a judge halted the trial at Sheffield Crown Court and ordered the jury to find him not guilty of cruelty to a child.

Mr Bailey, of Barnsley, said afterwards: 'I am very relieved it is all over after three years. I just want to rebuild my life which was shattered by this case.'

Bailey's barrister told the court the injuries, which have left the baby blind, deaf and severely disabled, could have been caused by an infection.

But he said doctors ignored NHS protocol by failing to carry out a lumbar puncture test that would have identified if the baby had an infection.

And a blood sample taken from the baby and sent for analysis was lost and the results never revealed.

Expert prosecution evidence also cast doubt over the existence of the 'triad' of injuries used by doctors to diagnose shaken baby syndrome.

The baby was taken to hospital on July 21, 2005 after she became ill while left alone with Bailey by her mother for the first time, for half an hour.

He said she suddenly 'went limp' while he was giving her a bath and then became 'wheezy' and was struggling for breath.

The little girl, who had also vomited blood in her Moses basket, was transferred from the local hospital to specialist care at Sheffield Children's Hospital, where doctors

became suspicious of her injuries.

But Robert Smith QC, defending, told the court hospital doctors 'got it wrong from the start' and were 'reluctant to acknowledge their mistakes'.

Dr Christopher Rittey, a consultant paediatric neurologist, concluded from head scans that she had suffered a skull fracture, and soft tissue 'impact' swelling indicated she could have been 'thrown against a brick wall or beaten with a baseball bat', the court heard.

But Mr Smith said the baby did not have a fracture and the swelling Dr Rittey regarded as suspicious was 'old' damage suffered during labour.

He said the absence of any bruising on the baby - which could be associated with a violent episode of shaking - left 'huge question marks' over the issue.

Prosecutor Andrew Robertson QC, told the jury the existence of the 'triad' of bleeding above the brain, damage to the brain because of oxygen starvation and bleeding at the back of the eyes amounted to a 'very strong pointer' that the baby was violently shaken.

He rejected the possibility of infection

But his case collapsed ten days into the trial when one of his own witnesses, Dr Carlos de Souza, from Great Ormond Street Children's Hospital, said under cross-examination that the notes showed retinal bleeding was only discovered on the fourth examination of the child - more than a day after the alleged incident.

In that case he would not be able to say the most likely explanation was shaking, he said.

The court heard the baby's mother, who cannot be named for legal reasons, ended her relationship with Mr Bailey after reading doctors' reports concluding the injuries were 'non-accidental'.

She said her baby had been healthy and normal before the incident in July 2005. They had no rows on the day, the baby was 'not crying' and Bailey was his 'normal self' when she left for half an hour to take her mother to bingo.

When she returned after being called on her mobile by Bailey the baby looked as if she was dead.

Bailey, of Barnsley, South Yorkshire, who has no previous convictions, said: 'I am very relieved it is all over after 3½ years. I just want to rebuild my life which was shattered by this case.'

'The experience I have had to endure was absolutely devastating for me and my family.'

'If it wasn't for my family and friends I don't think I'd be here to be honest. I hope no one has to endure what I've had to endure over this last 3½ years.'

His solicitor Tim Gaubert said: 'He's relieved although he was always confident he would be cleared. But his relief is tempered by the fact that the child is seriously ill. There are no winners and losers in this case.'

He said Mr Bailey's prosecution highlighted 'the grave dangers and difficulties in cases of alleged baby shaking.'