

Recent UK decisions in cases of 'shaken baby syndrome'

A Local Authority v S [2004] EWHC 1270 (Fam) (27 May 2004)

This case "involves the death of a child said to be the result of shaken baby syndrome. It involves a degree of disagreement between eminent and highly responsible medical experts. The man at the centre of this has already been tried for and acquitted of both murder and manslaughter yet the family court is apparently retrying the same issue with the inevitable possibility of arriving at a different view."

Harris & Ors, R v [2005] EWCA Crim 1980 (21 July 2005)

"The common thread running through each of these four appeals is a submission that since these convictions medical research has developed to the extent that there is now "fresh evidence" which throws doubt on the safety of each conviction.....At the heart of these appeals, was a challenge to the accepted hypothesis concerning "shaken baby syndrome" (SBS); or, as we believe it should be more properly called, non-accidental head injury (NAHI). The accepted hypothesis depends on findings of a triad of intracranial injuries consisting of encephalopathy (defined as disease of the brain affecting the brain's function): subdural haemorrhages (SDH); and retinal haemorrhages (RH)."