

# Man cleared in baby-shaking case

By RODERICK CAMPBELL

Four days after he and his partner again became parents, alleged "baby shaker" Stuart Lee was acquitted yesterday by an ACT Supreme Court judge of recklessly inflicting grievous bodily harm on his partner's infant daughter.

The verdict was accompanied by strong criticism from Lee's family of the conduct of medical experts and police involved in the case and a suggestion that civil proceedings would now be launched.

In a ruling greeted with much emotion when it was handed down late in the afternoon, Justice Ken Crispin said there was no evidence, not even "tenuous, weak or vague" evidence, that was capable of supporting a conclusion that Lee had been reckless in his treatment of the then 21-day-old baby in July 1999.

Lee's father, Ross, said his son and partner had been "very traumatised by the events of the past two years [and] a very, very unjust sequence of events that had been blown out of all proportion by the medical profession and police".

He said there had been a complete overreaction by police, to the extent that they had installed listening devices in the family home.

"It is something I hope no young parents ever have to through again," he said.

Mr Lee said the birth of the couple's second daughter on Monday and a fifth daughter for the mother — plus his son's acquittal, was "a fantastic Christmas present" for the family.

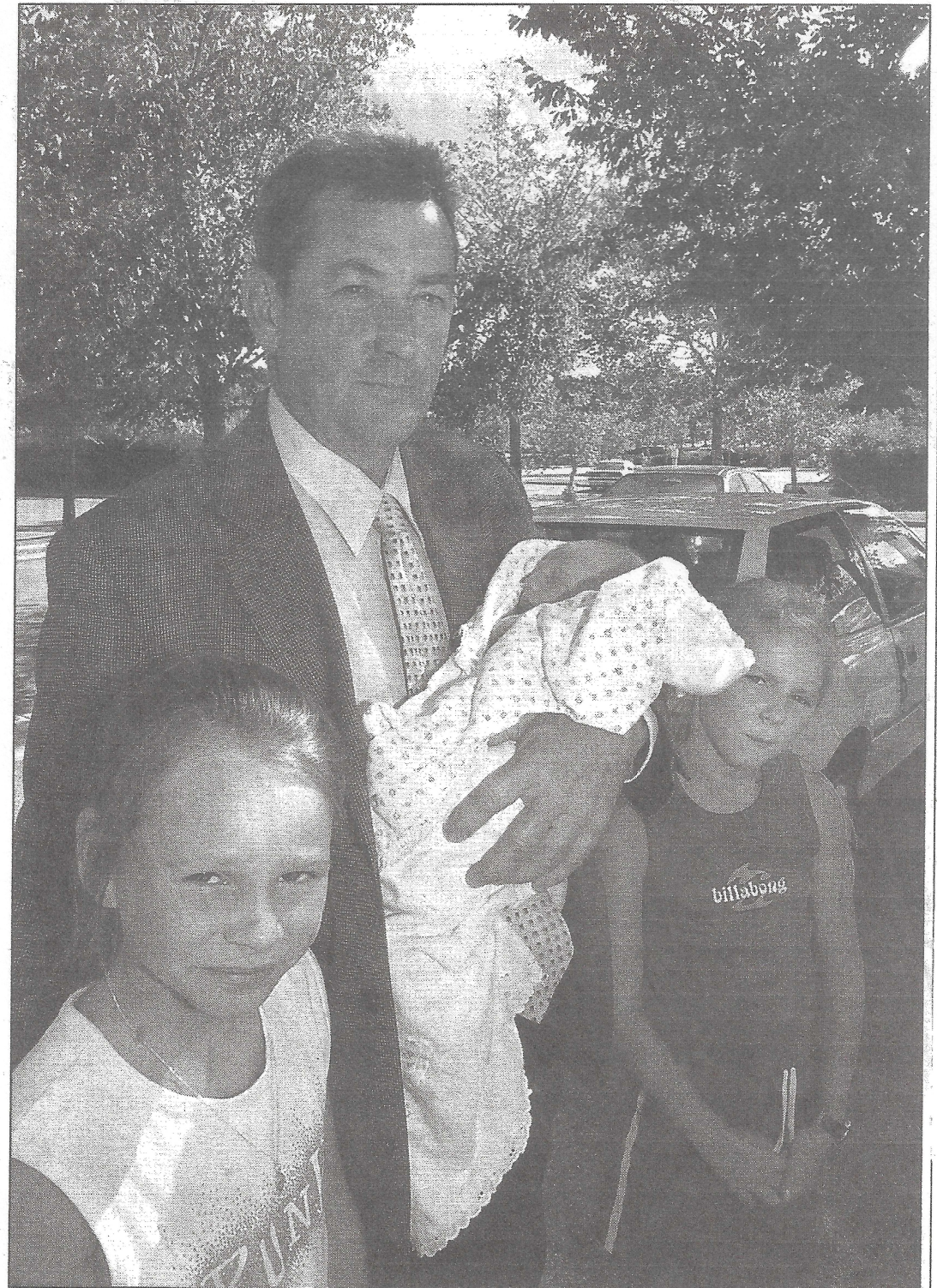
Lee was charged after the distressed baby, who appears to have suffered no long term ill-effects — was taken to hospital and found to have injuries allegedly consistent with her having been violently shaken or shaken and thrown into a soft object, such as the bean bag in which she invariably slept.

The expression "shaken baby syndrome" was used on a number of occasions during Lee's trial by the judge alone.

The defence case was that the injuries were either the inadvertent result of Lee trying to revive the child after taking her into the shower, or the result of a genetic weakness.

Justice Crispin said he was not satisfied that the prosecution had proved that Lee had shaken the baby in the way it had been alleged.

"On the contrary, I think that the injuries may have been caused by a combination of events, including some cerebral



Picture: GARY SCHAFER

Ross Lee, father of Stuart Lee, outside the ACT Supreme Court yesterday.

event in the shower, the well meaning but perhaps overly vigorous application of force in an attempt to resuscitate her, and a prolonged series of very severe and intractable seizures," the judge said.

Earlier in his ruling, Justice Crispin said that even if the child's injuries had been caused by some measure of shaking, that did not mean Lee had lost

his temper, as alleged, and violently assaulted the baby.

"It is entirely possible that a young and inexperienced man [Lee is 26] may have panicked when the baby stopped breathing and reached a point at which he shook her in desperation," he said.

There was medical evidence that carers sometimes shook babies in panic and caused inju-

ries like those inflicted in this case.

In the light of the evidence of Lee's affection for, and gentleness towards, the child, plus that of the baby becoming limp after being in the shower, this was a more plausible explanation than "the speculative scenario of an earlier incident of unexplained rage".