

Accused baby shaker goes home for Xmas



Stuart Lee with the baby, who cannot be identified, at an earlier court appearance

By MARIA MOSCARITOLO
in Canberra

A MAN charged with violently shaking his de facto's three-week-old baby has been given permission to spend Christmas with the child.

Stuart Lee, 24, is accused of shaking the girl so badly last July that she could be left with brain damage and develop blindness.

ACT Chief Magistrate Ron Cahill yesterday varied Lee's bail allowing him to spend from 6pm Christmas Eve to 7pm Christmas evening with his de facto and her children.

But Mr Cahill refused a further application for Lee to also spend New Year's Eve with the baby and her mother.

"We're talking about a baby here, the millennium doesn't matter," Mr Cahill said.

Family violence groups were outraged that such access was granted when Lee, who is not the girl's father, still had to face the charges.

Dennise Simpson, of the ACT Domestic Violence Crisis Service, said the victim had to have the priority in domestic violence cases.

"Who's actually going to take responsibility if something happens to that child in that time?"

she asked, adding that Christmas was traditionally the most violent time of the year.

"The most vulnerable members of our society are children, and the most vulnerable of them are young babies.

"Who is going to do the protecting if it's not the legal system?"

Lee, from Canberra, has pleaded not guilty to negligence and assault causing bodily harm.

His girlfriend does not believe he was responsible for the injuries to her child, who was three weeks old at the time.

"Fathers entering de facto relationships involving children often need support and education on parenting"

He had allegedly been caring for the baby on his own for the first time when he took her to hospital.

Tests found she was bleeding in both hemispheres of the brain, her retinas and her spine.

The defence says the injuries happened at birth.

An ophthalmologist consulted by police earlier this year said the extent of the baby's injuries would not be known for another year.

Lee's appearance in court yesterday was for a case status inquiry, during which he made the bail variance application.

Mr Cahill, in varying Lee's bail yesterday, ruled he could not be left with the baby unsupervised.

The Australian Family Association said anyone accused of assaulting a child should be removed until there was absolute assurance they did not pose a threat.

"We react with dismay to these sorts of stories," spokeswoman Anna Krohn said yesterday.

"Fathers entering de facto relationships involving children often need support and education on parenting."

"Often they come from situations where they have no family experience and they need to learn how to be gentle fathers," she said.

Lee faces a hearing in February and, with the exception of yesterday's ruling, in the ACT Magistrates Court, he is not allowed to live at home with the baby or have unsupervised access.