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30 January 2026

COURT DISMISSES APPEALS BY AMANDA AND CHRISTOPHER FULTON

Summary of Judgment

The Court of Appeal¹ today, dismissed an appeal against conviction by Amanda Fulton and an appeal against sentence by Christopher Fulton for offences perpetrated against their four-week-old son, referred to as “P”.

Offences

The appellants were jointly charged with four offences:

- Count 1 - Grievous bodily harm with intent, contrary to section 18 of the Offences against the Person Act 1861.
- Count 2 - Causing or allowing a child or vulnerable adult to suffer serious physical harm, contrary to section 5(1) of the Domestic Violence, Crime and Victims Act 2004.
- Count 3 - Cruelty to children, contrary to section 20(1) of the Children and Young Persons Act (Northern Ireland) 1968 on a date unknown between 5-8 November 2019.
- Count 4 - Cruelty to children, contrary to section 20(1) of the Children and Young Persons Act (Northern Ireland) 1968 on a date unknown between 17 October and 2 November 2019.

Amanda Fulton was convicted by a jury of counts 2 and 3 and acquitted of counts 1 and 4. She was sentenced to a determinate custodial sentence of four years comprising two years in custody and two years on licence. Christopher Fulton was convicted of count 1, acquitted of count 2, convicted of count 3 and count 4. He was sentenced to an extended custodial sentence comprising 22 years in custody and five years on licence.

Factual background

On 7 November 2019, Christopher Fulton contacted a GP about his four-week-old son having a raw throat and not feeding. It was apparent that Christopher Fulton had conducted internet searches in the early hours of that morning about a sore throat or raw throat in infants. Christopher Fulton lied to Amanda Fulton about calling the GP at 10:00 hrs as the call was much later in the afternoon at approximately 13:40 hrs. When Christopher Fulton attended the GP, P was found to be unresponsive with a bulging fontanelle. The GP suspected a serious head injury and arranged an urgent hospital transfer. Paramedics described Christopher Fulton as appearing unconcerned. A CT scan revealed a skull fracture and subdural bleeding necessitating emergency neurosurgery.

P was also found to have suffered significant other injuries, namely liver lacerations and 27 rib fractures which occurred on at least two occasions, fractures in both thigh and shin bones from

¹ The panel was Keegan LCJ, Treacy LJ and O'Hara J. Keegan LCJ delivered the judgment of the court.

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pulling, twisting or violent shaking, extensive retinal haemorrhages suggestive of shaking and severe traumatic brain injury. Medical experts indicated the injuries resulted from significant impact and violent shaking and that P would potentially have had a better outcome if immediate medical aid had been sought.

Witnesses gave evidence of concerning behaviour in the household including when Christopher Fulton blew in P's nose and Amanda Fulton told him to stop, when Christopher Fulton smacked P while winding him during which time Amanda Fulton was present and did nothing. Amanda Fulton also described Christopher Fulton bouncing P roughly. The prosecution case was that Amanda Fulton, while not directly assaulting P, failed to protect P or seek timely medical aid despite clear signs of serious illness and Christopher Fulton's rough handling.

When arrested, both parents denied knowing how P sustained the injuries and stated they could not believe the other defendant would cause them. P was in intensive care for 10 days and required deep sedation during that period. As a result of the traumatic brain injury P has been left non-verbal, blind, life-limited and severely disabled.

A pre-sentence report on Christopher Fulton characterised his position as one of continued denial of the offences and that he did not demonstrate victim empathy or remorse for his own actions. He was assessed as posing a high risk of serious harm to a child and a high risk of reoffending. By contrast Amanda Fulton was assessed as presenting with a low likelihood of reoffending and she was not considered to meet the threshold for significant risk of serious harm.

Grounds of appeal – Amanda Fulton

Amanda Fulton's appeal against conviction focussed on the adequacy of the judge's charge to the jury on emotion or demeanour displayed during a trial. The sole question was whether the jury were properly equipped to consider not just the emotional reaction of one witness who became tearful when giving evidence in court, but also the emotional reactions of Amanda Fulton. Defence submitted that the judge should have given a further direction in relation to Amanda Fulton's evidence, but also that he should have expanded the direction in relation to assisting the jury on the issue of her demeanour or emotion when confronted by the injuries sustained by her baby at the hospital. The emotional reactions of both Amanda Fulton and Christopher Fulton were substantially raised during the trial and relied on by both the prosecution and the defence. Amanda Fulton's defence maintained that her emotional reactions worked in her favour as she was stressed about what happened to her child and this was corroborated by a range of independent medical professionals who saw her at the time when the injuries became apparent, whereas Christopher Fulton was not. The prosecution also relied upon this difference in presentation against Christopher Fulton.

The appellant argued that the judge misdirected the jury concerning the assessment of emotions and demeanour. The specific direction complained of was a general direction that "the presence or absence of emotion when giving evidence is not a good indicator as to whether that person is telling the truth." Counsel contended that the application of this standard direction in this specific case was erroneous and undermined the central plank of the defence case. This was particularly so as the appellant's demeanour at crucial times, closely associated with the events in 2019, was a central part of her defence that she was a concerned and innocent party to events within the household which led to injury to her child.

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In paras [42] – [49] the court outlined the law in this area. Specific directions on emotion are contained within Chapters 4 and 20 of the Crown Court Compendium². The Crown Court Bench Book for Northern Ireland and the Compendium also refer to general directions to the jury on their assessment of witnesses and facts.

The direction which was given by the judge in this case was that “the presence or absence of emotion when giving evidence is not a reliable indication of whether that person is telling the truth and being accurate or not.” The judge explicitly stated during the requisition that this direction came “directly” from the Compendium guidance. The closest direct comparison is reflected in Example 7 of Chapter 20-1 of the Compendium which states: “The presence or absence of emotion or distress when giving evidence is not a good indication of whether the person is telling the truth or not.” The court noted that the October 2025 Compendium refers to the case of *R v BUV* [2025] EWCA Crim 327, which it said confirms the principle that there is a potential distinction to be made between the demeanour of the witness giving evidence during the course of a criminal trial and the demeanour of a witness contemporaneous with relevant events.

In the case of *VJW* [2022] EWCA Crim 164, the court observed that it is often the oral evidence of the witness about which the jury needs to make an assessment. This exercise leads to a global assessment of the individual witness’s evidence which includes, to the extent appropriate, his or her demeanour. The court also observed that “discounting or marginalising the demeanour of a witness could be highly misleading” since “... a witness’s demeanour can be extremely important - certainly in the in the context of the evidence that is given in criminal cases.”

In this case the judge referred to the demeanour of both the Fulton’s during his charge and then provided a warning after a witness, Esther McCook who had become very upset, gave evidence. The court found that there was no misdirection, however, it would have been better for the judge when dealing with emotion displayed in the witness box by Ms McCook to recap with some further direction about the contemporaneous displays of emotion by Amanda Fulton which he had already covered: It said, however, that any omission on the judge’s part was not fatal as it was satisfied that the judge did not intrude upon from the role of the jury in assessing the quality of the evidence given at trial:

“The judge’s direction on emotion did not remove the question of the overall assessment of emotion or demeanour of all of the witnesses including both defendants from the jury. He caveated his direction of emotion displayed in the witness box by saying that a display of emotion is not definitive proof of the truth of statements that accompanied it. There is nothing wrong with that.”

The court was also satisfied that the jury were well sighted on the significance or otherwise of both the Fulton’s demeanour contemporaneous to events. It said there were other aspects of the case against Amanda Fulton for the jury to consider including her false accounts to police:

“The judge has not omitted or downplayed any of the evidence favourable to Amanda Fulton. As we have said, he could have said more by way of recap during a lengthy charge. However, ultimately the jury had to consider all of the evidence and were entitled to make a choice about Amanda Fulton’s position within the household

² [Crown Court Compendium - Courts and Tribunals Judiciary](#)

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when the child suffered the serious injuries. The point is illustrated by the fact that the jury were clearly well able to make a choice about each parent's role in events more clearly than the fact that the jury convicted Christopher Fulton on the more serious section 18 charge and associated charges of previous abuse and acquitted Amanda Fulton of same. Accordingly, for the reasons we have given the appeal in the case of Amanda Fulton is dismissed on both grounds."

The court concluded that Amanda Fulton's convictions are safe.

Grounds of appeal – Christopher Fulton

The appeal against sentence by Christopher Fulton was based on four grounds:

- The judge failed to identify a starting point for the headline offence and then imposed a sentence almost 50% more than the maximum range without offering a reason for such a substantial deviation.
- The judge imposed identical sentences for counts 3 and 4 despite the circumstances of the offending differing greatly.
- The disparity in sentence on count 3 between Christopher Fulton and Amanda Fulton was such as to create a sense of injustice.
- The judge erred in imposing a licence at the maximum period available.

The maximum sentence for a section 18 grievous bodily harm ("GBH") with intent is life imprisonment, the maximum sentence for causing or allowing harm is 10 years and the cruelty charge attracts a ten-year sentence. In his sentencing remarks, the trial judge referred to the sentencing principles and considered two decisions: *R v Darren Fegan* [2018] NICA 2 and *R v ZB* [2022] NICA 69. There was no complaint with the judge's assessment that this was a high culpability case and a case of high harm. The judge said there were no identifiable mitigating factors in this case. Also, that no remorse had been demonstrated by either defendant who both maintained their denial of guilt.

It was accepted that *Fegan* is a guideline case for section 18 GBH with intent in this jurisdiction where the court said that "where significant force is applied to a young child with intent to cause that child GBH, the increased likelihood of significant damage to the child renders the conduct itself highly culpable. In general, therefore, we consider that a range of 7 to 15 years for such conduct is appropriate."

In England & Wales, the guidelines for section 18 GBH with intent provide some assistance in terms of identifying the factors which assist judges when considering whether a case should move outside range³. However, that there can be a move outside the range where the harm is extreme, where there is extreme disability caused or in circumstances where there is an assault which leaves a child effectively nearing death.

The court adopted the approach that in the extreme cases that arise in this jurisdiction more significant sentences than the 7-15 range set out in *Fegan* should be imposed to mark the seriousness of the offence. Thus, whilst the court said it was not minded to revise the range

³ The court noted that the range for this type of offending in E&W is on par with Northern Ireland with a range of 10-16 years and a starting point of 12 years.

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established in *Fegan* for section 18 GBH with intent, it wanted to add to it by providing additional guidance to judges that they are entitled to move outside the range when the facts of case require it and in an extreme category of case which involves offending against young children, sentences should be imposed greater than 15 years and nearer 20. Judges should explain why the case is moving outside the range and why a particular sentence is arrived at. The court said the judge in this case would have been quite entitled to reach a sentence of 18-20 years for the section 18 offence alone given the extreme nature of the violence in this case which caused serious injury to a very young child. Such an approach is consistent with the case of *ZB* where a global sentence of 22½ years was upheld by the Court of Appeal before reduction for a plea.

On the issue of totality, the court noted that in addition to the section 18 offence there were two other convictions for cruelty offences over a different period, involving at least one other separate incident. It said that having chosen the headline offence of section 18, the judge could either have increased the sentence chosen for that to reflect the other offending which involved a separate period of abuse, or he could have imposed a consecutive sentence. While not explaining his methodology, the court said it was implicit in choosing 22 years that the judge had in mind a sentence which reflected the totality of the offending. The court considered that applying a seven-year sentence for the additional abuse and cruelty was disproportionate and out of synch with the four years applied for a similar charge to Amanda Fulton. It therefore reduced the concurrent sentence that the judge imposed from seven years to four years on counts 3 and 4.

However, given the facts of this case, the court considered that the judge would have been entitled to apply a consecutive sentence of four years for counts 3 and 4 or alternatively to increase the 18 years upwards to reach the sentence that he did of 22 years. The court considered the consecutive methodology was a more attractive one and so it altered the makeup of the overall sentence by substituting 18 years on the GBH with intent and imposing four years consecutively for the other offending to reach the same result which is an overall sentence of 22 years. Accordingly, the court dismissed the appeal against the judge's overall sentence. It said the judge had not reached a sentence which is manifestly excessive, however he should have been clearer in setting out his methodology: "It can be implied that he thought this was an extreme case meriting the sentence that he imposed, but he should have expressed that view in clearer terms."

The final appeal point related to the length of the extended sentence. It was submitted that the judge applied the maximum five years on the extended custodial sentence and should have applied a lesser more proportionate sentence. The court was not attracted to this argument. The application of the length of an extended licence is a discretionary matter for the judge taking into account all the factors in this case. Furthermore, the judge was equipped with a report in relation to Christopher Fulton which indicated that he had shown no remorse, had "no empathy for his son's plight and distress", and presented as psychologically unmoved and impassive in the quality of his reactions to the harm given to his son:

"It is not enough to say that the appellant is solely a risk to a small portion of the community, namely young children, because that underestimates the severity of the risk to one of the most vulnerable cohorts of the community. The judge, in our view, was perfectly entitled to apply the five-year maximum on the extended custodial sentence."

Conclusion

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Whilst the court adjusted the makeup of Christopher Fulton's sentence on the various counts, it upheld the overall sentence of 22 years plus an extended licence of five years. The court also dismissed the conviction appeal of Amanda Fulton, and as she has served her sentence, no further issue arises:

"This decision will provide guidance on sentencing for section 18 assaults on young children and should be a message to judges and the public at large that sentences may be imposed outside of the range previously set in extreme circumstances. This was a case where this child nearly died and has now been left with a life a limiting condition. The perpetrator of this violence is Christopher Fulton, and he will have to serve the significant sentence that is imposed on him to reflect the gravity of his crime. He will also have to be assessed at the relevant point in his sentence by the Parole Commissioners in relation to dangerousness and risk to the public before he can be released."

Both appeals were dismissed.

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available shortly on the Judiciary NI website (<https://www.judiciaryni.uk/>).

ENDS

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Lady Chief Justice's Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

E-mail: LCJOffice@judiciaryni.uk