

Attorney General refers the sentences of Arthur Labinjo-Hughes' killers to the Court of Appeal

The Attorney General, Rt Hon Suella Braverman QC MP, has referred the sentences of Emma Tustin and Thomas Hughes to the Court of Appeal under the Unduly Lenient Sentence (ULS) scheme.

Emma Tustin, 32, was convicted of the murder of her 6-year-old stepson, Arthur Labinjo-Hughes. The victim's father, Thomas Hughes, 29, was convicted of his manslaughter. Both offenders were also convicted of child cruelty.

Arthur Labinjo-Hughes' death was caused by a severe head injury. In the weeks leading up to his death, the Court found that the offenders collaborated in a campaign of cruelty intended to cause the victim significant harm and suffering. Arthur Labinjo-Hughes was routinely subjected to physical violence and ill-treatment and he was deliberately deprived of water and poisoned with salt.

The offenders were sentenced at Birmingham Crown Court on 3 December 2021. Emma Tustin was sentenced to life imprisonment with a minimum term of 29 years, and Thomas Hughes was sentenced to 21 years' imprisonment.

Speaking about the case, the Attorney General said:

My thoughts are with all those who loved Arthur Labinjo-Hughes. This is an extremely upsetting and disturbing case, involving a clearly vulnerable young child. Emma Tustin and Thomas Hughes grossly abused their position of trust and subjected an innocent child, who they should have been protecting to continued emotional and physical abuse.

I understand how distressing the public have found this case, but it is my job to decide if a sentence appears to be unduly lenient based on the facts of the case. I have carefully considered the details of this case, and I have decided to refer the sentences to the Court of Appeal as I believe them to be too low.

A date for the hearing at the Court of Appeal is yet to be set.

The ULS scheme allows victims of crime, their families, prosecutors and the public to ask the Law Officers to review sentences for certain crimes that fall within the scheme that they believe are too low.

The ULS scheme only applies to certain sentences given in the Crown Court in England and Wales.

The Attorney General can only ask the Court of Appeal to review a sentence under the ULS scheme if she considers that sentence to be unduly lenient. That means, for example, that the sentencing judge made a gross error or imposed a sentence outside the range of reasonable sentences available.

The Attorney General acts independently of government when deciding on Unduly Lenient Sentences, also known as acting as 'guardian of the public interest'.