



JUDICIARY OF  
ENGLAND AND WALES

**AT THE CENTRAL CRIMINAL COURT**

**THE QUEEN**

**-v-**

**OLGA FREEMAN**

**SENTENCING**

1. Olga Freeman you have pleaded guilty to the manslaughter of your 10 year old son Dylan. You took his life on 15 August 2020. It is clear that you did what you did while in the grip of a serious mental illness. You remain gravely ill. The expert psychiatrists who have met and assessed you, including the one treating you at The Orchard Secure Unit, at St Bernard's Hospital in West London, where you are presently held, all agree that this is one of those rare and desperately sad cases when a devoted parent commits a shocking act of violence towards a precious, innocent, beloved child, while completely out of their right mind.
2. You were born in Russia in 1989, you had ambition and drive which took you to a professional career in the law. You met Dean Freeman and moved to England, marrying in 2006. On 3 January 2010 a son Dylan was born to you both. Your son did not develop as expected and he had a complex range of significant disorders, including features of autism, significant learning disability, neutropenia (a blood cell disorder), and Cohen's syndrome (a very rare autosomal recessive genetic disorder which leads to a variety of physical and mental symptoms including poor muscle tone and diminishing eyesight).
3. That you loved your son and sacrificed yourself for him I have no doubt. The burden of caring for a severely disabled boy was one you took on, as mothers do, out of love and duty; those impenetrable ties. I can see that and I can see how you discharged it faithfully, for years. You fought for your son to have the best support and your own life was bounded by his. But it was a burden that took an enormous toll on you. Although he was not able to tell you so, I am sure you were loved by him and there will have been many joys in the life you led together, as the family photographs I have seen show.

4. In 2012 you separated from Dylan's father, divorcing a few years ago. He moved to Spain and Dylan spent the Summers of 2018 and 2019 with him which gave you a break. Dean Freeman loved his son very much, of this I am sure. The statement counsel has read out on his behalf speaks movingly of the depth of loss he feels.
5. You have a history of anxiety and depression, first diagnosed in 2006. You have been prescribed anti-depressants and psychotherapy. Periods of stress in your life exacerbated the symptoms.
6. In early 2018 you and Dylan moved into a two-bedroom flat on Cumberland Park in Acton, W3. Dylan's father helped when he could but your finances were tight, particularly after you lost your job that year. Despite this you mothered your son with complete dedication and made your home child-centric for a boy with acute problems. But even when Dylan reached his 10<sup>th</sup> birthday in 2020 he was unable to care for himself and required 24hour assistance. Ealing Social Services provided 16 hours of support a week. Although Dylan could finger-feed himself, he had to be fed his main meals and he wore nappies which had to be changed at night when he soiled himself. In recent years Dylan displayed challenging behaviour including patterns of screaming and poor sleep. Despite taking prescribed medication he could be slow to settle and would often wake at night. You didn't sleep until he slept. Dylan's sight was deteriorating progressively as anticipated. He wore corrective glasses and adapted footwear. He could not walk for long and you often ended up carrying him.
7. Dylan received specialist one-to-one schooling at the Mandeville School in Ealing and you persistently fought for Dylan to get as much support as possible (including at one stage pursuing a case at a tribunal). When the Covid pandemic arrived, you were advised initially by the GP that Dylan's compromised immune system and resulting susceptibility to infection meant that he should shield at home. The school provided some equipment but no one to see him one to one and there is no doubt that without the breaks that your son going to school gave you during the week, you struggled to cope with the burden of providing him the level of dedicated attention you wanted to give. You displayed great fortitude and patience during the first lockdown in 2020 but eventually you asked for Dylan to return to school and were advised it would be safe for him to do so if the school could provide special protective measures. But they could not, so he stayed at home with you throughout the spring and summer of 2020 when movement away from home was constrained and visitors limited.
8. I have read the evidence from your neighbours and consistent with everything else I have seen, remarkably not a single person ever heard you lose patience with your son or express anything except love and commitment to improve his life. But by the summer of 2020 some of those who knew you saw signs that you were exhausted and not coping as well as you had done in the past. There came a time

in the summer of last year when you seemed to be at your wits end and exhausted. But you continued, apparently serene despite Dylan's frequent screaming and flailing as you looked after him. You told a neighbour that a planned summer holiday to see Dylan's father in Spain had had to be cancelled and you were finding it difficult. You were involved in a neighbours' dispute and that added to the pressure of being the single mother of a profoundly disabled child.

9. Dylan's most recent carer Miss Edita Surpickaja provided detailed evidence of the challenge that his behaviour presented in mid-2020. Edita, who was a close friend of yours, often stayed to help for longer than she was paid for, in order to support you. Your son's condition resulted in him, in order to get what he wanted, sometimes taking off his nappy and spreading urine or faeces around. He could be very loud and would scream for lengthy periods and smash things. During lockdown when Dylan stopped going to school you had no respite and little time to at all yourself because initially even the carer was not able to carry on coming in, for safety reasons. Your response, as reported by the carer was to have more lighting installed to make the flat brighter to help Dylan with his failing eye-sight. You got him a trampoline, a hammock and swings for the garden. You tried to give him the healthiest food and drinks. Quite simply, like any mother, you wanted the best for your son despite the deprivations of the lockdown. Only those who have walked in shoes similar to yours can possibly understand the strength of character you had to show. I find the fact that none of your fellow parents from the school Dylan attended have shown anything but compassion and understanding towards you after what has happened, particularly eloquent.
10. Miss Surpickaja noticed the decline in your mental health. You sought help in several directions. On 26 June 2020 you contacted Ealing Council describing the ongoing stress of looking after Dylan and your own difficulties with arthritis. You were concerned about what would happen to Dylan if you were no longer able to look after him. By then the carer was doing over 30 hours and you asked for her to be paid for it.
11. You sought help from your local GP practice in Acton. Dylan had an ear infection in July and the doctor saw that you were struggling with his care, having to supervise him through all his waking hours because he was at risk of injury due to his poor vision and mobility and then changing him at night. You were not getting enough sleep and you had painful knees aggravated by carrying him around. Your doctor saw you were under intolerable stress and he wrote a strongly worded letter seeking more care hours from Social Services. He described you as *"really struggling to manage his care"* and *"worried about falling asleep when she sits in the bath to relax. She is also worried about burning out without more support. I would strongly support her request for more care hours while Dylan is not able to go to school. I hope you are able to support her with this."*

12. On 7 July you told Social Services you were under “significant pressure”, “feeling forgotten” and so stressed you were not “functioning mentally”.
13. On 10 July Dr Hutchins, a consultant paediatrician, called and after you had spoken he was concerned at how difficult things were. He also emailed the Social Services describing you as struggling hard.
14. On 7 August another GP at the practice sent an email to Social Services to chase up the letter from his colleague in July. All the requests for help made by you and your doctors were under consideration by the council at the time that your mental health suffered a swift and devastating deterioration.
15. On Sunday 9 August Miss Surpickaja was “100% sure” that something was wrong after you spoke to her over the phone about “big changes”. When she arrived at your flat you spoke about being “the second Jesus”. She was so concerned about your mental state that she made a number of covert recordings of what you said, hoping to use them to get some help for you. On Monday 10 August you said you didn’t want to have contact with Social Services again, that everyone had a job to do, a specific purpose and things had started to dawn on you. That there were strange things happening and you were overwhelmed by what lay ahead.
16. On Thursday 13 August you were talking about of a letter ‘*messing with my head*’. You said you were “*going to save the world*” and referred to the ‘*messiah*’; that God had been incarnated in you and you were being given knowledge and instructions. You believed you were receiving messages through your phone which was giving you answers. You said ‘*they communicate to us via the internet*’. And “*there are encrypted messages that you can receive only if you are in a certain state.... I get pictures and images popping into my head...*” Later ‘*some inner knowledge is guiding me*’. You referred to having received a newsletter referring to ‘*The Faculty of Magic and Maths*’ and spoke of tarot readings and magical actions taking place inside you. You made outlandish religious claims, including for yourself as the “next Jesus”, a coming apocalypse and your commission to save the world. You told Miss Surpickaja you wanted to go to a city in Russia. You sent WhatsApp messages to a neighbour on Friday morning 14 August saying you had been chosen by God to save the world, and that it was ‘time to act’.
17. On Saturday 15 August Miss Surpickaja helped care for Dylan in the morning but, despite your pleas that she stay, she had to leave to go to work at about 2.30pm. You were alone with Dylan for the rest of the day. At 11.49pm you telephoned Miss Surpickaja and said “*come and pick me up*” “*you need to come and take me away....from home.*” Miss Surpickaja decided that she could not leave you alone without support and started driving to Acton. At around the same time you sent a WhatsApp message to a neighbour, “*I am done. Where are u?*” You let Miss Surpickaja in just before 1am but told her not to go into Dylan’s bedroom. You

then started raving saying that you and she had to go to Jerusalem. You told her, *"I did what I did. Sometimes when things are good it can be really really evil."* You said your life was a nightmare and prison didn't scare you. You booked and paid for two return airplane tickets to Israel one for her and one for yourself. You said *"they are waiting for us. I have got this mission and the end point is Jerusalem."*

18. She recorded you saying you had been receiving messages and you were making grandiose claims to have created all life, all nature and natural disasters. You said,

*"Now, the purpose for the Messiah was to kill [her] own child....I only found out about it today, about what I had to do. I had a dream. Yes, it was terrible ... whatever I do, 'it's meant to be'...the Evil that looks like the Good must be destroyed".*

19. Confessing to the killing, you said *"You've witnessed everything that's been going on.... Everything that I've done....I've done everything with love...I was praying every second of the time I was suffocating him, because it had to be done. This is my job: to sacrifice my beloved child to create a balance in this world...."* *"I am the God-man"* . You said *"this is not mental illness, this is a completely different thing altogether."* *"...today I have done what I have done. It's no joke. I thought about going to the police straightaway but... you know, after I had committed it, I realised that I shouldn't go to the police but should go to Israel as they are waiting for me there."* These recordings have been transcribed and they were described in court by a consultant forensic psychiatrist this morning as demonstrating that you were extremely psychotic at the time and delusional thinking was overtaking your mental processes. You would have had no insight into your true condition.
20. After a conversation with Miss Surpickaja you said "you're right, we have to stay here. Let's go for a walk. Let's go to the police." On the way to Acton Police station you pointed out what you believed were signs on the pavement and it appears that you took photographs of some of them on your phone. Shortly before 2.16am you arrived and when the officer on duty opened the door you said, "I killed my child". Police went to the flat and found Dylan's lifeless body in your bed, lying on his back with a duvet pulled up to his neck. He was wearing a white t-shirt and a nappy. He had traces of rigor mortis and his pupils were dilated. Efforts to ventilate him were in vain and his heart remained in cardiac arrest. Despite the efforts of the emergency services Dylan was beyond resuscitation and his life was formally pronounced extinct at 2.55am
21. The pathologist found signs of obstruction of Dylan's airways and fine petechial haemorrhages in the child's eyes, over his eyelids and on the forehead. He also found fine linear petechial markings over the front of the neck. There was a possible abrasion on the left side of Dylan's neck. On dissection the opening of

the oropharynx revealed two substantial pieces of sponge, one above the other, tightly fitting and totally obstructing the larynx. The epiglottis was bent over to form part of the obstruction. Dylan's brain bore signs of damage consistent with the brain being deprived of oxygen through suffocation. The toxicological findings of a medication Melatonin, prescribed to help Dylan sleep, were above normal therapeutic bounds but did not contribute to his death. The cause of death was "upper airway obstruction by foreign body" and compression of the neck, in addition could not be excluded.

22. You told police that it had happened before midnight and said you were trying to kill him softly, giving him lots of the prescribed sleep drug. You said *"I give him a lot of tablets which didn't help. Then I had to use my bra to make it happen. So I was trying to be as kind as possible but due to his issues of sleep or whatever his issues are, he couldn't do, couldn't fall asleep, I had to use my bra as I said and yes I put a sponge in his mouth to help him to depart sooner. And so then I located him in the place where he likes to sleep with his toys with all possible dignity and kindness."*
23. You were arrested for murder. It was clear to those dealing with you that you were experiencing a mental health crisis despite your own assessment that you were mentally well. Subsequent examination of your internet search terms from June 2020 corroborate the descent into mental illness. You were interviewed in the presence of a solicitor and an appropriate adult and you confirmed the confession you had made to killing your son. You were charged with murder at 11.39pm on 16 August. You were transferred to hospital in September and have been treated with anti-psychotic and anti-depressant medication since then.
24. You have been found fit to plead and stand trial. So it was that on your first appearance at this court, on 25 January 2021 you pleaded guilty to manslaughter of Dylan Freeman, on the grounds of diminished responsibility. That plea being acceptable to the prosecution I must now pass sentence.
25. No one knows how and why the mind and will are taken over by, or surrender to, mental illness. Sometimes identifiable chemical changes are involved, but there is much that remains a mystery. You had a longstanding tendency to depressive illness. The psychiatrists cannot tell us what led to your descent to homicide, they simply do not know. In their reports they describe many of the circumstances of your life in 2020 as I have summarised and which are the context for what you did but the brain is indescribably complex and its relationship to our will, the engine that pulls and pushes our actions, has been debated for centuries.
26. The courts are concerned with responsibility and culpability. They are also required to prescribe punishment and rehabilitation. When mental illness intervenes in a life we allow psychiatric experts to assess where culpability exists and lies, and to what extent. We receive their professional opinions on what just

outcomes are possible although in the end the judge decides where justice lies in a tragic case such as this one. The outcome dearest to the hearts of those who knew and loved Dylan is, of course, for his return and no court can accomplish that.

27. I have studied the reports of the three consultant forensic psychiatrists Dr Lock, Dr Baird and Dr Bhattacharaya, as well as their joint statement dated 15 January 2021 and listened to the supplementary evidence of Dr Bhattacharaya, who remains your treating physician, this morning. All three experts are approved under s.12 of the Mental Health Act 1983. They were instructed variously by the defence and the prosecution but each acknowledges their duty to the court to give a truthful, dispassionate diagnosis, irrespective of its impact on the party who requests the opinion.
28. All the experts agree that you have had a recurrent depressive illness for years and that shortly before you killed your son it developed into a severe depressive illness with psychotic symptoms. Dr Baird described this recognised mental disorder as *“an episode of depression but with the presence of hallucinations, delusions, psychomotor retardation or stupor so severe that ordinary social activities are impossible: there may be danger to life from suicide, dehydration or starvation. The hallucinations may or may not be mood-congruent.”* He states, *“The psychotic symptoms in this case are characterised by reality distortion (delusions, hallucinations, passivity phenomena) and disorganisation in the form of affective and behavioural disturbance.”* Dr Lock states that your symptoms were made considerably worse by the struggle to look after Dylan and several times worse because of Covid-19 lockdown and the unavailability of Dylan’s school. The illness disturbed your mind to such an extent that it substantially impaired your ability to make rational decisions and exercise self-control. Although you understood the nature and quality of your actions, and so you were not insane at the time you killed your son, your responsibility for those actions is substantially diminished because of the severity of your mental illness. They conclude, as Dr Bhattacharya has set out in her evidence, that there is a causal link between your mental illness and your killing of Dylan.
29. I must bear in mind the importance, where appropriate, of a penal element in the sentence. I note that you were not taking anti-depressant medication prescribed to you, in the lead up to mid-August although you obtained a prescription for the medication from your doctor in early July. In addition, of course, where the consequence of your actions is a death, the harm caused is the greatest possible. However, none of the expert witnesses suggest that you were wilfully non-compliant or that taking the anti-depressant medication would have prevented the severe illness that developed and none suggests that a penal element is necessary in this case because your culpability was so substantially diminished. But I am not bound by their view and must reach my own. In this case it is not hard to do so. I apply the Sentencing Council Guideline for Manslaughter by

reason of diminished responsibility. The Guideline on Sentencing Offenders with Mental Disorders, Developmental Disorders or Neurological Impairments contains a great deal of helpful material but the offence specific guideline addresses the relevant mental health considerations in this case.

30. I have no doubt at all that you were a remarkably loving and dedicated mother to a vulnerable child until multiple pressures overwhelmed you and your mind was swamped by a destructive depressive illness with florid psychotic elements. Having lived a blameless, indeed creditable life, with no previous episodes of violence of any kind, your intentional killing of Dylan on 15 August was an aberration. To some, unknowable, extent it should be recognised that Dylan was an indirect victim of the interruption to normal life caused by the Covid-19 pandemic. I conclude that the retained responsibility you bear is low because what you did to Dylan was a manifestation of your illness rather than extraneous to it. In other words, your mental disorder at the time largely and perhaps completely explains the killing. I do not lose sight of the fact that you, too have lost your son.
31. Your progress on anti-psychotic treatment has been very slow although you are now showing a response to it and no longer experience delusions. Dr Bhattacharya considers it is early days and that you have still not gained insight into your psychosis. You remain extremely ill, dangerous and in need of further treatment, which is available. A hospital order under s.37 Mental Health Act 1983 together with a restriction order without limit of time under s.41 of the Act will enable you to be treated. It will also protect the public; firstly, because it is potentially life-long, the regime for deciding upon release is stringent and involves a First Tier Mental Health Tribunal decision as well as medical opinion, and secondly, because the nature of supervision after eventual release from a s.41 restriction order involves ongoing expert psychiatric input and a recall to hospital is available if your medical condition deteriorates and you relapse. This is particularly important when the anti-psychotic medication is likely to be needed for the rest of your life. Furthermore, I have considered whether a life sentence with a hospital order and limitation direction under s.45A and B of the Mental Health Act 1983 better meets the requirements of my task in sentencing you but I am sure that it does not, given the assessment I have made of culpability, the degree of retained responsibility and future compliance with treatment necessary in this case.
32. Accordingly, I make a hospital order with a restriction without limit of time under ss.37 and 41 Mental Health Act 1983.

**MRS JUSTICE CHEEMA-GRUBB DBE**

**11 February 2021**

