

HMA v Ineta Dzinguviene

Jun 20, 2023

At the High Court in Glasgow today, Lady Poole sentenced Ineta Dzinguviene to 8 years and 6 months imprisonment, after the offender pled guilty to culpable homicide on the basis of diminished responsibility.

On sentencing Lady Poole made the following remarks in court:

"Ineta Gavenaite or Dzinguviene, you have pled guilty to a charge of killing your new-born baby son Paulius in April 2010.

You had given birth to your baby in a hospital in Scotland. You discharged yourself against medical advice, and returned home with your new baby. There, you killed him, by asphyxiating him with cling film. You were 25 years old.

You are a Lithuanian citizen and had come to Scotland in March 2010 because your husband was working here. In April 2009, before you came to Scotland, in Lithuania you killed your new-born daughter Paulina by asphyxiating her. You have subsequently been convicted of that crime. A 15-year sentence of imprisonment has been imposed, to be served in Lithuania after your sentence imposed in Scotland finishes. You had previously had four children before you killed your fifth and sixth babies.

You were initially convicted of the murder of your son Paulius after a trial, and sentenced to life imprisonment. Some years later, the Scottish Criminal Cases Review Commission referred your case to the Appeal Court. Fresh evidence had been obtained about your mental state at the time you killed Paulius. You had an upbringing characterised by neglect, and then a troubled marriage. Reports found at the time of your offending you suffered from a depressive disorder, PTSD, Complex PTSD, and battered woman syndrome. Your conviction for murder was quashed on 23 March 2023 by the Appeal Court.

A new prosecution has been brought. The Crown has accepted your plea of guilty to culpable homicide on the basis of diminished responsibility.

I must now sentence you for the crime of culpable homicide. Sentences for this crime can vary from the very lenient to the very severe. The level of sentence depends on the nature of the offence and the circumstances of the offender.

In deciding the sentence to impose in your case, I have taken into account a criminal justice social work report I ordered, and everything said on your behalf in mitigation. I have also had regard to previous sentences imposed by the courts, and sentencing guidelines, in particular guidelines on the principles and purposes of sentencing, and the sentencing process.

You are now 38 years old. You have had a very difficult life. In particular, your treatment at the hands of others prior to being imprisoned makes difficult reading. You have various issues with your health. You have been in custody since 15 April 2010. In prison you have engaged well, including with programmes offered to you.

Although your culpability at the time of your offending was diminished by your mental state, the harm you caused was extreme. You took the life of your son Paulius. He was a new-born baby. You deprived your son of his life and all he could have been. One of your other children was in the house at the time and came into the room; the effect on her can only be imagined. After you killed Paulius, you hid his body in a bag amongst rubbish in the common stairway where you lived.

Killing a defenceless baby is behaviour which society cannot tolerate. You must be punished for what you did.

The sentence I impose is 8 years and 6 months imprisonment. I have discounted this from a headline sentence of 10 years because of your early guilty plea, although I have also taken into account that people had to come and give evidence at your previous trial. Your term of imprisonment runs from when you were first remanded in custody, on 15 April 2010."

20 June 2023

<https://www.judiciary.scot/home/sentences-judgments/sentences-and-opinions/2023/06/20/hma-v-ineta-dzinguviene>