

On trial:
Bernadette
Scully
arrives at
the court



by Catherine
Fegan

BERNADETTE Scully's back was arched backwards in a stiff 'C' shape. Her face, contorted into a trance-like daze, was facing the ceiling and her arms were outstretched and poker-straight.

As she closed her eyes and abruptly jerked back and forth, her mouth opened wide.

The jury looked on, awkwardly rapt. With each crudely demonstrated jolt, the legs of the chair the witness was sitting on clanged against the floor. In a courtroom shrouded in silence, the sound echoed like a beating drum.

'It was relentless,' she said, still jerking.

'Her [Emily's] little body arched back. She stiffened. The bed was shaking.'

It was September 2012, explained the 58-year-old GP and she had just returned to work after an absence due to a back injury. After bathing her daughter Emily and putting her to bed, the 11-year-old had woken in the early hours of the morning and was in the midst of having a severe fit.

'It wasn't a normal fit,' she said. 'She was drooling out of her mouth, her little face was contorted.'

In her head, she said, she was ticking off all the things she could do to stop it. Things she had tried in the past. Things that had sometimes worked, things that had not. She was tired, exasperated and alone.

SHE went to the kitchen, she said, removed a bottle of chloral hydrate from the cupboard and gave Emily a 10ml dose. This was on top of two doses she had given her earlier.

'It didn't have any effect,' she said, shrugging slightly.

'The seizure was continuing. Her little legs were like this.'

As she gestured towards her own legs, stiff and outstretched, her tone, one of previous quiet authority, became weary. Her talking pace, which had been lightning fast before this, suddenly slowed.

'She was in bed and I held her,' she whispered. 'I just wanted to cuddle her and let her know I was there.'

After a few minutes she gave her daughter another dose, 'about 5mls', she told the court. 'After that everything went quiet,' she said.

In the public gallery, Ms Scully's sister Mary was crying. As she looked up at the witness box, Bernadette Scully's eyes, framed from above by a neatly cut fringe, were now closed. She was quivering.

'Her little lips went blue,' she said. 'I just took her up in my bed and I just... I just held her.'

There was a long pause. A stillness descended in court as all eyes focused on the witness box. Tears began to drip down her cheeks.

'I knew she wasn't breathing,' she said, clutching a tissue close to her face.

'I said, "Please don't go on me".'

By now, Bernadette Scully's head was hanging so low under the microphone that it was hard to make the words out.

'We had always been together,' she sobbed.

'We weren't apart. We went everywhere together. She was the little baby I always wanted.'

As her story reached a harrowing climax, she shrunk lower and lower in her seat, until she was almost rolled into a ball.

'It went really quiet,' she wept.

'She wasn't breathing. I remember my tears fell on her and I thought, She's gone'

'I remember my tears falling down on her... I just thought... she's gone.'

With that, she covered her face with her hands and stopped.

Throughout the afternoon, the Tullamore GP had explained, in detail, how life with Emily had played out over her short 11 years.

She was an IVF baby, she said, much yearned for and much loved.

Passionately and defiantly she spoke of her efforts to care for Emily as best she could. She fought hard for her to get access to treatment and medication. She went abroad to learn more about her condition. She clashed with experts over treatment and greeted suggestions that she should send her 'Little Emily' away with horror.

The words, hundreds of them, came thick and fast. She was mid-flow, talking and gesturing at speed when she finally lost track.

'We put Calgon in,' she said wearily, referring to the supplements she put in her daughter's meals.

'Sorry that's a washing powder... I'm sorry.'

Exasperated, she gasped for a breath, burying her head, now dropped towards the floor, in her hands.

For almost 40 minutes before, in a searingly detailed and emotional testimony, she had painted a tragic picture of her life as Emily's mother.

As she took the stand in court number 6, she took jurors back in time to December 12, 2000, the day her daughter was born. It had been a cold winter that year. Snow was falling outside the Coombe Hospital in Dublin when Emily Garut came in to the world. Silence, as it had accompanied her death, had greeted her arrival.

'When she was born she was just really quiet,' said Ms Scully.

'I remember she didn't cry. The labour ward was so quiet.'

As she quietly relived Emily's first days, a sombre silence descended over the rows of onlookers seated in the public gallery.

Alone in the witness stand, Bernadette Scully was weeping.

'It was horrendous,' she whispered,

'I wouldn't let them take her to the nursery. I wanted her where I could see

her all the time.' Later, she was told that Emily would have severe learning difficulties, would never walk or talk, would probably develop epilepsy, and may have hearing difficulties.

'My world just fell apart,' she told the court.

'I really wanted this lovely little baby. I just said [to the doctor], "You don't know. She's too small."

'But he was right. I came to accept it. I didn't like him that day but I came to respect him.'

In later years, Emily's care was so complex that her mother had to go to her school every day to feed her. To do this, she held her between her legs, with her neck straightened in the only position that allowed her child to eat.

She was looking at the jurors as she spoke, illustrating where she could with her hands. In return, one or two nodded in acknowledgement, gesturing her to carry on.

HER face, devoid of any make-up, appeared drawn, yet slightly flushed. Although much of her time in the witness box focused on the circumstances of her daughter's death, the normal routine of their life together triggered equal upset.

Fighting back tears, Ms Scully told the court how she often tried to soothe the trauma of her daughter's frequent fits by placing her mouth to Emily's and kissing her.

'I gave her little kisses just to [let her] know I was there,' she said. 'That was our little signal.'

Later, it was memories of bathtime with her little Emily that caused her to weep.

'Emily loved the bath,' she said, smiling.

'She would take her little leg and push herself along.'

Again, there was silence. The witness was staring blankly at the floor below, still smiling.

'I know she was severely disabled,' she sobbed. 'But we had a special bond.'

bed, fixed her hair, tucked her into her duvet and placed her Padre Pio medals beside her.

'I said, I'm going too. I was worn out. I was burnt out. I had seen a psychiatrist but I did not get the help I felt I should have got.'

She said she was not an uncaring person, but she did not consider the feelings of her partner or her family when she decided to take her own life. A note she wrote at the kitchen table was intended to say goodbye to her partner, Andrius Kozlovskis, and to ensure he kept her house.

She tried and failed to drown herself in the canal before taking an overdose of anti-depressants, she

said. 'I could not let Emily go somewhere else and suffer somewhere else without me being there,' she said.

Asked if she had written the note before Emily's death, Ms Scully said: 'Absolutely not. I loved that child more than life itself. I would never hurt that child deliberately, ever.'

When she woke up in the intensive care unit in hospital at Tullamore, she said she cried out: 'No, no, no.'

'I did not want to be there. I wanted Emily and I wanted to be with her,' she explained.

She said she went from the ICU to the Garda station to give her voluntary statement. She subsequently spent six months at St Patrick's

psychiatric hospital in Dublin, before she was arrested and questioned by gardai about Emily's death.

Ms Scully told jurors she was not given time by the gardai to study the

'I have not come to terms with it'

post-mortem report compiled by State Pathologist Professor Marie Cassidy.

She said she had never questioned the medication prescribed by Emily's

consultants, and had trusted them, adding: 'They were like gods to me.'

Ms Scully said life with Emily had been really hard at times, as well as with Emily's father, who she said had left her with debts of €1million to the Revenue.

She said there would have been opportunities to end Emily's life at earlier times in her life but said: 'I did not want to kill Emily, I love her.'

Ms Scully had not known what it meant to be a parent of a profoundly disabled child before having Emily. 'I did not have a clue,' she said.

Ms Scully said she had not yet properly grieved for Emily.

She said she still slept in Emily's

room where she felt Emily all around her, and said she still had Emily's things in the house.

'I have not come to terms with it. I still delude myself and think she is still there.'

Ms Scully said she had not yet felt able to return to work, and described the allegation made against her as a 'slur on my name'.

Since Emily's death, she said: 'I am a different person. Sadder. I don't have confidence, or energy. I suppose I am just beaten down.'

The trial continues before Judge Patrick McCarthy and a jury of seven women and five men.

helen.bruce@dailymail.ie