



JUDICIARY OF
ENGLAND AND WALES

Sentencing remarks of Mr Justice Popplewell

R v Justin Robertson & Ben Carr

Winchester Crown Court

21st April 2015

1. Pennie Davis was newly married for only three months when she was stabbed to death as she tended her horses in a field in the New Forest last September. It was a brutal attack in which at least 10 blows were struck.
2. It was a contract killing. Justin Robertson, aged 36, was the killer.
3. Ben Carr, aged 22, recruited him to carry out the murder.
4. Ben Carr was incensed at facebook messages which she had posted two weeks before the killing, in which she threatened to revive allegations first made when she was the partner of Ben Carr's father in 2006. Ben Carr was then aged 14 and living in the family unit with his father and Pennie and her five younger daughters. At that time Pennie Davis accused Ben Carr sexually assaulting two of her daughters, then aged 10 and 12. Those allegations were never investigated. For the purposes of sentencing I proceed on the assumption that they were unfounded. They had made Ben Carr bitter for many years and their revival last summer determined him to silence Pennie Davis for ever.
5. The very same day that the facebook messages were sent, Ben Carr approached Justin Robertson, whom he knew because they were both Class A drug dealers. Justin Robertson is a career criminal with a string of convictions for theft and burglaries. Ben Carr was to pay him £1,500. He persuaded Justin Robertson to kill her not just by paying him money, but by a perversion of the allegations Pennie Davis had made. Ben Carr told Justin Robertson that **she** was a paedophile, a nonce in Justin Robertson's vocabulary, which Ben Carr knew would push a button with Justin Robertson because he

hated nonces with a passion. In their twisted minds this was a justification for killing.

6. Over the next two weeks Ben Carr and Justin Robertson carefully planned the killing. In the week before hand there were several meetings a day, some in the early hours of the morning, and many communications by phone. Reconnaissance was carried out on her, which included Justin Robertson following her on at least two occasions to the field where she died. They chose it as the location for the murder because of its remoteness and her vulnerability.

Justin Robertson

7. The sentence which I am required by law to impose upon you for the murder of Pennie Davis is one of life imprisonment. I have to determine the minimum term of imprisonment which you will serve before being eligible to apply to the Parole Board to be considered for release.
8. This case falls under paragraph 5(1) of Schedule 21 of the Criminal Justice Act 2003 because the seriousness of the offence is particularly high. It was a murder for gain. The starting point is 30 years.
9. In your case there are the following aggravating features:
 - i. This was a carefully prepared, planned and premeditated murder.
 - ii. You targeted a helpless woman alone in a field in a remote location.
 - iii. The stabbing was brutal and ferocious, causing no doubt terror and physical suffering before she died.
 - iv. You have shown no remorse.
 - v. Your conduct in the witness box was deplorable. You were arrogant and offensive. You addressed your victim's family in the public gallery in a way bound to increase their distress. You openly made threats to kill Ben Carr. It was a disgusting and misguided attempt at bravado.
10. There are no mitigating features.
11. You also fall to be sentenced for another offence for which you were on bail when you carried out this murder. You pleaded guilty to handling stolen goods which were the product of a night time burglary of a florists shop in Gloucestershire in August 2013. The goods in question were greetings cards, picture frames and bunches of roses. Giving full credit for your guilty plea and taking into account your record, I will impose a custodial term for that offence which will run concurrently with the sentence for the murder.

Taking all these matters into account:

The sentence of the Court for the murder is Life Imprisonment, with a minimum term to be served of 32 years, less 217 days to reflect the period you have spent on remand awaiting trial.

On the handling charge I impose a concurrent sentence of 4 months imprisonment

The statutory charges apply.

Ben Carr

12. You have been convicted of conspiracy to murder. I am satisfied from the circumstances of this offence that you are dangerous: you pose a significant risk of causing serious harm by committing further specified offences.
13. Your part in this murder was no less culpable than that of JR although you did not deliver the fatal blows yourself. It was your plan, for your ends, and I am satisfied that you were an equal partner in planning its execution.
14. In accordance with s. 225 Criminal Justice Act 2003, the seriousness of the offence justifies the imposition of a life sentence.
15. I am required by law to determine the minimum term of imprisonment which you will serve before being eligible to apply to the Parole Board to be considered for release. In doing so I have regard to terms of Schedule 21 of the Criminal Justice Act 2003, although they do not directly apply. In this case it is appropriate that the same considerations should apply to you as would apply if you had carried out the killing yourself. Your share of the blame is no less than that of Justin Robertson.
16. In your case there are the same aggravating features I have already identified for Justin Robertson, save for that relating to his conduct in the witness box.
17. There is one mitigating factor in your case which is your youth. Its force is tempered by the fact that although you are only 22, you are already a hardened criminal dealing high purity cocaine.

Taking all these matters into account:

The sentence of the Court is Life Imprisonment, with a minimum term to be served of 30 years less 178 days to reflect the period you have spent on remand awaiting trial.

The statutory charge applies.

-ENDS-