



JUDICIARY OF
ENGLAND AND WALES

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-v-

Gayle Newland

Chester Crown Court

12 November 2015

Sentencing remarks of His Honour Judge Dutton

Gayle Newland – at 25 years of age you are an intelligent, obsessional, highly manipulative, deceitful, scheming and thoroughly determined young woman. You have been convicted by a jury of three counts of assault by penetration contrary to section 2 of the Sexual Offences Act 2003. Those counts were representative of a number of occasions when assault by penetration took place over a period of weeks in early 2013. Your defence to the counts was thoroughly rejected by the jury.

Over a period of some days the jury heard evidence of the most complex deception that you perpetrated on the victim in this case – X who is the same age as you and who was also a student at the University of Chester. The Court was played three DVD interview recordings with the witness and she was in the witness box for well over a day. That gave the jury a lengthy opportunity to discern for themselves whether she was in fact telling the truth. They believed that she was truthful.

Central to the case was your creation of an alter ego character named Kye. You invented him when you were a young teenager and you used this created character to facilitate your deception. You had created a Facebook entry in the name of Kye which included the most detailed information about this ‘man’, his family and friends, together with many dozens of photographs to back up the illusion. In 2011 you contacted your fellow student X pretending to be Kye and there developed a regular exchange of texts between you. Kye then arranged for X to meet a friend of his – that was you. You became a close friend of X such that she confided in you that she had had a number of failed relationships and an abusive relationship in the past. Whilst you were texting and speaking to her as Kye in ever more affectionate terms you were also in close physical contact with her as her best female friend. Little did she know that this was the self same person. To successfully pass off a deception of this complexity was a major

undertaking involving dedicated mobile phone lines as well as regular texts from you purporting to be Kye's relatives.

This went on for many months. X believed she was in an on line relationship with a boy that she liked very much. You made regular excuses as to why you couldn't meet in the flesh. This involved a complex story about Kye having suffered a disfiguring injury and him being embarrassed at being seen. All the time you were successfully convincing X that Kye was a man. You began controlling X's movements persuading her to give up a job telling her that she loved the job more than Kye. You then stepped in as her best friend Gayle to console her in her disappointment at not being able to meet Kye. As Kye you were telling X that the injuries could prove fatal. As Gayle you offered her consolation but then as Kye you sent her a ring to wear thus taking this cruel and wicked deception to a higher level still.

Eventually Kye agreed to meet X but on strict terms to prevent your deception from being discovered. They involved a blindfold for her and the wearing of bandages and a swimsuit to disguise your breasts and a hat to disguise the length of your hair. At some stage you acquired a prosthetic strap on penis to allow you to penetrate her vagina which you did on up to ten occasions when you met at her flat in Chester. You acquired the object for you to use on her and she was successfully deceived into believing this was full sexual intercourse with a man and nothing less. The jury was clearly not sure that you had acquired the object by the time you visited two hotels together and accordingly acquitted you of those two specific offences. Throughout these activities you were so convincing in your cruel deception of her that she believed that she had at last found a man she could love and be with. As X said to the jury 'I know it sounds pathetic but I was just so happy at the time because I was in love with this person and we'd built this beautiful relationship that wasn't on anything like that – it was just based on you know our minds and all the other things that we had in common so I just felt grateful that I'd finally got a proper relationship.' You pursued this course of conduct over a lengthy period during which you played with her affections acting entirely for your own sexual satisfaction and choosing to ignore the devastating impact that the eventual discovery of the truth would have on her

As time went on X decided that she was not happy with the relationship and told Kye. You as Kye threatened to kill yourself. You made up a story of Kye's mother having just died and needing to see her. You met – under the usual bizarre terms but this time persuaded her to lick Kye's penis which she did and she allowed you to perform oral sex upon her. The acts culminated in X removing her mask and seeing you her best friend on the bed with her wearing the strap on penis pretending to be a male. The row that ensued spilt out onto the street and was captured on CCTV for the jury to see. Thereafter you sent her numerous e-mails apologising for what you had done to her. When asked by counsel what you were apologising for you repeatedly became hysterical. Your defence was that X knew who you were from the outset and that this was just role play. Those apologies were because you knew the game was up and that your cruel deception had been discovered.

It emerged in the trial that X was not the only young woman deceived by you acting as Kye. Some years earlier Y a student in Manchester was deceived as well. The jury heard of the complex web of lies that deceived her though none of that lead to the commission of offences. She described herself as feeling stupid, a word that X also used about herself.

X made two victim impact statements in which she spoke of the manipulation, grooming and deception of her by you. Without going into the detail it is important to observe that the impact of these events has been most profound for her. She lost employment and I am quite sure that the psychological impact of her experience has been severe and will be long lasting. She speaks of the damage done to her spirit, person and life.

I have had the benefit of reading two psychiatric reports from Dr Nathan and a Pre Sentence Report from Rosemarie Orr. Both are highly skilled in their respective fields and their contribution to the difficult issues in this case is highly valued by me. Mr Power on your behalf identifies the various disorders highlighted in the report including social anxiety disorder, personality disorder, depression and OCD. He emphasises the close link with your troubling issues of sexuality with the one exacerbating the other and vice versa. Your history of low self esteem and blurred gender lines is important. You present a very troubling picture. Whilst there is no need for a Hospital Order it is plain that various aspects of your psychiatric condition require careful monitoring and treatment. It is submitted that there is no further danger of similar conduct now that the need for the existence of Kye is removed. I make it clear that I also grateful to the number if individuals who have been generous in providing testimonials for you. You should be grateful to them.

Gayle Newland – you are 25 years old with no convictions. Unfortunately I can give you no credit for acknowledging any responsibility. I am obliged to consider the Sexual Offences Definitive Guideline and follow that Guideline unless I am satisfied that it would be contrary to the interests of justice to do so. Mr Power on your behalf submits that this is indeed one of those rare cases where I should depart very substantially from the guideline in the interests of justice. The Guideline for assault by penetration appears at pages 13-16. The offence is a serious specified offence within the Criminal Justice Act 2003 with a maximum sentence of life imprisonment. As for the category I find that the victim was particularly vulnerable due to her personal circumstances and I find that the overall impact of the long series of events culminating in the offences has had a severe psychological impact upon her. That was readily apparent from seeing and hearing her over a lengthy period giving evidence, and is further evidenced by the contents of her impact statements. This places the offending firmly in category 2. As for culpability these offences required a lengthy and complex degree of planning over many many months. Your behaviour amounted to a callous breach of the trust that your best friend had in you. As for the guidelines however that is not the kind of trust relationship envisaged and though I take full account of it I do not do so in the sense of it being a factor of culpability. The case therefore falls within Category 2A. I am not dealing with an isolated offence – this was a complex and repeated deception that was maintained over many many months and which resulted in the commission of the offence on

between 6 and 10 occasions. That should also be reflected in the sentence. The starting point of 8 years is not necessarily an accurate reflection of the seriousness of this case.

There are aggravating features at step 2 of the guideline that I should take into account. Firstly the offences occurred in the victims own home and secondly the publicity of the case has meant that she the victim is no longer able to remain in the area through fear of ridicule. Though Counsel of course urges upon me her good character which I take account of I am minded of the caveat to the guideline at the foot of page 15 where it warns of giving any significant weight to such features.

It is submitted on your behalf that the interests of justice allow me to take the exceptional course of departing from the guidelines altogether. I do not agree. These offences are so serious that only an immediate custodial sentence would in any way properly reflect the serious nature of your conduct. As an aspect of mercy I do not increase the starting point beyond 8 years.

Gayle Newland for the reasons that I have set out at some length the sentence of the Court is that you be imprisoned for a period of 8 years on each count concurrent making a total of 8 years.

You will be subject to a Sexual Harm Prevention Order in the precise terms of the draft provided. That will last indefinitely as will your obligation to report regularly to the police upon your release.

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