



JUDICIARY OF
ENGLAND AND WALES

Sentencing remarks of Mr Justice Kerr

The Queen

v

Matthew Higham

Preston Crown Court

12 January 2016

1. Mr Higham, please remain seated for the moment. In July last year your daughter Florence was born. That same month, when she was just 16 days old, you battered her to death. Her injuries were horrifying.
2. It was a crime of such unspeakable violence, it is difficult to understand how any human being could do such a thing. I do not know why you took Florence's life in such a brutal and frenzied attack.
3. You say you do not remember doing it. Whether or not that is true, by your plea of guilty to the murder of your baby daughter, you have accepted, very late, that you inflicted those injuries on her with the intention of killing her or doing her really serious harm.
4. Nothing can explain what you did. You have caused unspeakable pain and suffering to the family. You have irreparably damaged the life of Sharon Collins, Florence's mother. You have left her distraught at the loss of her daughter, suffering from nightmares and requiring medication.
5. You have condemned Sharon's other daughter to the loss of her baby sister and almost certainly to the future burden of knowing the terrible truth that her defenseless baby sister was murdered by her own father at the age of 16 days.
6. For this offence of murder, the sentence I am required by law to pass is one of life imprisonment.

7. I have to determine the minimum term of imprisonment which you must serve before being eligible to apply to the Parole Board to be considered for release.
8. To do so, I have to consider the provisions of Schedule 21 to the Criminal Justice Act 2003 regarding the seriousness of the offence, to determine the minimum term of that life sentence that you must serve as the punishment and deterrent term of the sentence, before consideration can be given to your release.
9. A minimum term is not the same as an ordinary sentence of imprisonment where a defendant will normally serve only half of that sentence before being released on licence. A minimum term is the term that must be served before your case may be referred to the Parole Board for a consideration of your release upon licence. It means the actual length of time that you will spend in prison before that process can take place.
10. Whether or not you will be released after the minimum term has been served will be for the Parole Board to consider at the end of the minimum term. The Parole Board will not decide that you can be released at that stage, unless it is satisfied that you are not a risk to the public, and are ready for release into society.
11. If you are released at that time, or any later time, you will be released on licence with specific conditions attached, and may be recalled to continue serving your life sentence if you breach any licence conditions that are imposed upon you.
12. This is a case in which the statutory starting point is a minimum term of 15 years. But the case is so grave that it is close to, though not quite, a case where the correct statutory starting point should be a minimum term of 30 years.
13. I have looked at other cases involving the killing of a very young child. The evil done by you in this case is greater than in the other cases I have considered. The victim was a baby barely two weeks old, defenseless and completely dependent on you. The other aggravating feature of the case is the extreme violence of the injuries.
14. I am prepared to accept that the offence was not premeditated; it may have been to some extent, but I am not sure of that. Even treating the case as not one of premeditated killing, I have come to the conclusion that the initial 15 year starting point is of little relevance as it is far too low to meet the gravity of the offence.
15. Mr Nolan QC in his eloquent plea on your behalf, pointed out that you have never sought to blame anyone else for this murder, and that once confronted with the overwhelming evidence of intent to kill or cause really serious harm to Florence, you owned up to it, although very late, on the day of the trial itself.

16. I accept those points, for what they are worth. I accept also that you suffer from Attention Deficit Disorder and Bipolar Affective Disorder. I have taken careful note of the psychiatric evidence for the defence, in the form of Dr Brennan's very recent report. This reduces your culpability to a limited extent. I have taken account of what the Court of Appeal said in **McFly** [2013] EWCA Crim 729.
17. In my judgment, the correct starting point, taking account of the aggravating features of this horrifying case, and such mitigating factors as there are, is a minimum term of 27 years. In arriving at that figure, I have taken account of all those features in this very grave case.
18. In reaching the figure of 27 years, I have also considered your relatively young age, on the one hand, and your previous convictions, on the other. Your convictions are not irrelevant since they involved offences of violence committed only a short time before this murder. But they are of little account when set against the horror of this crime.
19. It remains to decide what credit should be given to you by reason of your plea of guilty to this murder. I have carefully reflected on the events leading to your change of plea today.
20. You lied in the 999 call you made just after battering Florence. You falsely denied injuring her. You tried to dispose of some bloodstained clothing. You told the same implausible lie in the ambulance on the way to hospital. You repeated your false denial of guilt in a prepared written statement given shortly after your arrest, after receiving legal advice.
21. You then explored with your legal and medical advisers the possibility of a defence of diminished responsibility. You were entitled to do this. I have taken account of the relevant sentencing guideline, and the remarks of the Court of Appeal in **Evans (John)** [2014] EWCA Crim 1916.
22. You pleaded not guilty to murder on 18 December last year. You indicated that you were guilty of manslaughter, not murder, on that occasion. You entered that plea despite lacking any basis for asserting diminished responsibility at the time.
23. You signed a defence statement last week in which you denied the Crown's allegation of murder and said you did not remember what had happened. You still say you do not remember what happened, but you now accept that you intended to kill or cause really serious harm to Florence.
24. Last week, you were requiring the attendance of Crown witnesses for cross-examination by the defence. Only this morning did you

finally accept that the game was up and that the trial need not proceed. The lateness of your guilty plea has, without doubt, increased the suffering of the family and the ordeal of Sharon Collins in particular.

25. In all the circumstances, I am prepared to give you credit against the minimum term for your plea of guilty to the extent of reducing it by two years, from 27 years to 25 years, which amounts to a reduction of about 7.5 per cent.
26. Stand up please, Mr Higham. The sentence of the court for the murder of Florence Higham is life imprisonment, with a minimum term to be served of 25 years, less 166 days spent on remand in custody awaiting trial.
27. The statutory charges apply.