



JUDICIARY OF  
ENGLAND AND WALES

**R v Z**

**Winchester Crown Court**

**Sentencing remarks of the Honourable Mr Justice Fraser**

**16<sup>th</sup> December 2016**

**Introduction**

I remind everyone that there is an order in place banning publication of details that would disclose your identity due to your age. This order also prevents identification of your school, and also of the witnesses who are under the age of 18.

On 12 October 2016 the jury unanimously reached a verdict of guilty on a count of attempted murder. You had already pleaded guilty to one count of possessing a knife on school premises, and to a count of wounding under section 20 of the Offences against the Person Act. However, that latter count no longer needs to be considered as the jury convicted you of attempted murder. I am going to deal firstly with the circumstances of the offence, the effect this has had on your victim, and the content of the different reports that have been prepared about you, so that all the necessary information is before the court for sentencing purposes. I will then come to the actual sentence. This is a highly unusual and exceptional case and these remarks are lengthy as a result.

**Background**

At the time of the offence on 25 April 2016 you were only 14, and your victim was 15. I shall refer to her as A. You were both in Year 10 at the same school. Although you were no longer best friends as you had been the previous year, you remained friends and were in the same friendship group at school. You had been the victim of some online bullying in 2015 when your personal details were released online, and as a result of this you had experienced online abuse, unwanted attention and obscene suggestions from third parties. You wrongly suspected that A was involved in this. Because of this mistaken belief, your feelings towards her changed, although you kept this to yourself. I should state that A denied having been involved in any way in the bullying behaviour, and there is absolutely no evidence whatsoever that she was. The accusation that it was her has had a devastating effect upon her, to which I will return. But you were simply mistaken about that. Perhaps in an effort to put what was otherwise a wholly motiveless and incomprehensible attack into context, the Crown

put to you during the trial that you had come to hate A. You denied this, and simply stated that she was the only member of your closely knit friendship group with whom you had any sort of issue, and that was why you had chosen her to be the victim. I accept that evidence. There was no animosity or hostility on your part towards A; she was just a convenient target.

All the members of your group at school were academically able and did not get into trouble. You were all described by the Assistant Principal of the School as being part of “the nice crowd”. You were in the top science set and were due to take your Physics GCSE one year early, which gives an indication of your academic ability. You are articulate and intelligent.

Investigation of your phone and internet activity by the police after the offence show numerous messages passing between you and A in the weeks before the attack discussing normal teenage matters such as make-up, boys, a school trip, school assignments and other entirely conventional subjects, which probably could be found in most of the communications sent every day between teenagers in this country.

However, you had a far darker side to your personality, and this is shown in the lengthy schedule that was prepared of your phone and internet activity. Your school friends gave evidence – and you admit - that you had an obsession with serial killers and with school shootings. You watched snuff movies on the internet, and would show these to your friends at school on your phone, for shock value. These films showed people being actually tortured and killed, with these dreadful images recorded and posted online. You watched films where people were murdered, chopped up, and also an IS video, the link for which was sent to you by an online contact in America. One of the films you watched and showed to your friends was the rape of a tiny baby by an adult. Whatever your mental state at the time, common sense suggests that watching such material can only have made it far worse. It is shocking that such dreadful material is so readily available to anyone – including a minor – who has a smart phone. Regrettably, none of those to whom you showed this material told any teachers or adults about this disturbing behaviour. This behaviour was hidden from the view of any adult. None of your school friends challenged you about this behaviour. You were described by one of them as “edgy” and “cool”. There is nothing remotely cool about watching such material, which is highly disturbing, damaging, and of the most serious kind.

You described yourself as “motivated” by serial killers such as the two boys who carried out the Columbine school massacre in the United States. This particular mass school shooting led to 12 students and one teacher being murdered, and numerous other people being injured, in a gun attack by two teenage boys on 20 April 1999 in Colorado. You based a school fashion project on Ted Bundy, another notorious serial killer. You prepared a “kill list” of about 60 people and made outline plans to carry out a school shooting of your own. You listed the names of people at school, as well as your own mother and brother, in your journal. You changed your mind about this plan and burned your journal in the presence of A and another friend whom I will call B. B knew what the journal contained, and knew about the kill list, but A did not.

You then formed another plan, this time to kill your mother and brother whilst they were asleep at home. You discussed this plan at length with B, who had become your best friend in Year 10. There were numerous exchanges between you and B relating to this plan. You discussed cutting your face like the Joker in the Batman films, pleading insanity, and going on the run together afterwards. She did not take you seriously, but went along with you. You said that you would blame it on voices in your head if anything went wrong with your plan.

You researched different ways to kill your mother and brother silently. Again, you did not have any particular animosity towards them, but the fact you lived with them made them easy targets. You researched online how to kill people with a knife, how to slit their throats, how to muffle their cries, how long it takes for a person to bleed to death, and what sort of knife should be used.

The schedule of relevant messages and internet searches runs to over 1000 entries in March and April 2016. They make for disturbing reading.

You told B that this attack had to take place in April because it had to be before your GCSEs, and you said in evidence that you felt that one dramatic event could help all the smaller stresses in your life go away. It might be a coincidence that the Columbine massacre also happened in April. Sadly, you had also self-harmed in 2015 by cutting your legs and arms, but you said this had not really helped.

Finally, you settled on the night of Sunday 24 April 2016 as the occasion when you would kill your mother and brother. The messages you sent that night, and the internet sites you researched in the early hours until well past 2.00am, show an extraordinary degree of emotional turmoil on the part of a 14-year old girl.

### **The offence**

In the messages to others, you said you felt you were “going a little bit mad”, that you were “having some really weird and bad thoughts”, that you felt you “could do anything” and that you had “cut up your face”. That refers to the fact that you had taken a kitchen knife to your bedroom and physically cut a grin into your face in the style of the Joker from the Batman films. You told the court that during the course of this night your plan to kill your mother and brother faded – I consider that this was because you realised that you could not go through with it. However, it was replaced with a plan to stab A. You researched the position of the heart, and how far it is from the surface of the body. You sent a message to A, telling her to make sure she was by the normal meeting place in the morning at school as you had something to give her. You told A it was a present and you had to give it to her in secret. In fact, you intended to stab and kill her.

You covered your facial cuts with make-up and a scarf, and told B you had a knife and you were going to stab A. She did not believe you were serious, and watched you and A head off to the back of the science block before school without any misgivings. You went to the steps behind the science block and told A to shut her eyes and hold her hands out as you had a present. She did so, trusting you, and never imagining you meant to harm her. You moved her long hair away from her chest because it was in the way, and took the knife out of your bag. Extremely fortunately, at the very last moment, A instinctively felt something was wrong, and opened her eyes. She saw you in the act of lunging towards her with the knife to stab her. Her quick reactions saved her from very serious injury or death. She jumped back instantly, just in time. Although the knife penetrated through the lapel of her blazer, the front panel of her blazer, and her school shirt, it did not penetrate very far into her body, and nowhere near as deep as you had intended. Bleeding, confused, injured and extremely shocked, she ran for help and you ran off, discarding the knife nearby. You tried to phone your mother many times, and hid in a quiet residential street. Eventually you returned home where your parents were waiting for you. In one of your interviews with the police, you did indeed say that you heard a voice in your head.

Your oral evidence in court was quite chilling. You described things in a matter of fact way, and explained facts relating to your planning and research, as though they

were wholly rational and normal. You said that after you had decided not to kill your mother and brother, you were concerned that you would lose face with B if you did not go through with something. B did not realise at the time how serious you were, and gave full assistance to the prosecution in your trial.

There is simply no comprehensible motive for this attack at all, which was carefully planned and premeditated, and you could not explain it yourself. You said part of you did not want to commit this offence, but part of you was making you do it, and you felt you had no choice but to do it. I accept that statement accurately summarises how you felt at the time.

### **The effects of the offence**

The effect on A has been considerable. You, her former best friend, tricked her into a situation where she was alone, and you tried to kill her. She thought you had a present for her. She unsurprisingly now lacks trust in others, does not like having her eyes closed, and also wonders why B, whom A has known since she was a baby, did not warn her of your plan. There are two Victim Personal Statements from A's mother before the court. The first makes for very sad reading. A was after the offence undoubtedly in a state of emotional turmoil. She was also, to her credit, very concerned about you, and even missed you, as you were one of her close friends. However, the second statement is far worse as it makes clear that after the trial, A had a complete breakdown and is described by her mother as being "utterly broken". She has been diagnosed with Post Traumatic Stress Disorder ("PTSD") and is having to undergo intensive therapies to recover. It is to be hoped that her condition will, over time, improve. But you, her former best friend, attempted to murder her for no reason whatsoever, and this is difficult for her to understand. Had she not opened her eyes at that split second, she would probably have been killed. The offence has caused serious psychological harm to an entirely innocent 15-year old girl.

### **The Reports**

I now turn to what the reports say about you. I ordered a psychiatric report for obvious reasons. Your oral evidence in particular was such that most, if not all, people listening to it in court must have concluded that there was something very wrong with your thought processes in March and April of this year. I also have a pre-sentence report from the Youth Offending Team.

Because Attempted Murder is a Specified Offence under Schedule 15 of the Criminal Justice Act 2003, I have to consider and assess dangerousness.

The psychiatric report has been prepared by a consultant child and adolescent psychiatrist. He states that you do not suffer from a mental disorder that would warrant hospital admission. You do have a lack of emotionality, are highly controlled, and also you do not know very much about the darker side that you doubtless have. You had an active interest in killing, and may also have a current interest in doing so. He states that there is an aspect of you that has been, and might still be described as, homicidal. So far as the offence is concerned, there was little generally observable, other than to B, that would have made your behaviour predictable or understandable. The relevant processes and triggers were entirely internal to you. He puts your offence as amongst the most concerning, and concludes that the dangerousness is internal to

you. He states that “the implication is that we would not get early warnings of another murder being planned until there was a victim”. However, his view is that sophisticated and expert therapeutic work with a clinical psychologist has the greatest chance of assisting you in successfully dealing with this disturbing side of your personality.

The pre-sentence report paints a picture of a stable home life. Even though your parents are separated, you had regular contact with your father. You were a high achiever at school and had never been in trouble before. However, you appear, in the secure unit where you are now, still to be drawn to others who share similar thoughts and beliefs. That report considers that you are a medium risk of re-offending, and a high risk of causing serious harm to others.

These are highly concerning reports.

### **Dangerousness**

The test to apply when assessing dangerousness is whether there is a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences. Taking into account all of the information before the court, I conclude that there is such a significant risk and that you are therefore dangerous. This is a rare conclusion regarding one as young as you, but in my judgment it is unavoidable in your case.

### **Sentence**

I must then consider a life sentence. I am satisfied that a life sentence is not justified in this case. It is however so serious that custody is inevitable.

Because A managed to avoid the full force of the knife, the physical harm she suffered was not great: a small puncture wound. However, your culpability was high, as you took a weapon with you to the scene and formed a careful plan, which you carried out. Both of these are aggravating factors. You also took A to a secluded place and asked her to close her eyes, which rendered her vulnerable. Although there is an imbalance between culpability and physical harm, the level of psychological harm to A is very high and she has been diagnosed with PTSD. The level of physical harm intended, though, was very high, namely death.

You have no previous convictions, were of good character, and there is no question of drugs or alcohol playing any part in this offending. There is little sign of remorse, but given what the psychiatrist says about you in his report this is not surprising.

In terms of mitigation, I take into account your good character and also that you were very young at the time that you committed this offence. A person of 14 years of age is not criminally culpable in the same way that an adult would be for the same offence. Any teenager is only part of the way to adulthood, and that must be taken into account when considering the appropriate period of detention. Your age reduces your personal responsibility for the offending. You had self-harmed prior to the commission of this offence and that has continued since your arrest, which shows you are also vulnerable and I take that into account also. The strongest mitigation is your age.

I take account the sentencing guidelines for attempted murder, and in terms of categorisation this offence is in Level 2 and has caused serious psychological harm, although it is not known how long term that psychological harm to A will be. I would place this offence as falling mid-way between the top two categories of Level 2, which would give a starting point for a determinate sentence mid-way between that

for those categories for a first-time adult offender; I assess that starting point as being one of 18 years. I have regard to the fact that the length of time you are in a custodial environment will have a greater impact upon you than upon an adult. I must also have regard to your welfare under the Definitive Guideline for sentencing youths. This also provides that the starting point should be considerably lower for teenagers aged 15 and above – one half to three quarters of the starting point for an adult - and lower still for an offender aged 14 at the time of the offence (which is what you were). I therefore take a far lower starting point than the one given in the guidelines for an adult.

I therefore sentence you to an extended sentence of detention under section 226B of the Criminal Justice Act 2003 for a period of 14 years. This sentence is comprised of a custodial term of 10 years and an extension period of 4 years.

For the custodial term, I have taken a starting point of 8 years to take into account your age. I have adjusted it upwards, to reflect the aggravating and mitigating factors (other than your age) to a term of 10 years. Once you become eligible to be considered for release on licence, the Parole Board will only do so if they consider that it is safe to do so. You would, once released, be on licence. The extension period is to ensure that you remain on licence for a longer period than you otherwise would, due to the need to protect the public from the significant risk of serious harm. This extended period of licence begins when the licence period of the custodial term ends (which is after 10 years), and lasts until the end of the extended licence period. The total length of sentence is therefore one of 14 years.

The time that you have spent in custody since the offence itself will count towards that custodial term, and I am told that this is 234 days. If that total is wrong, this can be corrected administratively without the need for a further hearing.

The reports recommend that you spend as much of the custodial term as possible at the same secure unit where you are currently held, which represents the best chance of your being rehabilitated. I endorse those recommendations.

I impose no separate penalty on count two in relation to possession of the knife on school premises. The relevant victim surcharge applies.