



JUDICIARY OF
ENGLAND AND WALES

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-v-

Andrew Saunders

The Crown Court at Cardiff

28 February 2017

Sentencing remarks of The Hon. Mrs Justice Nicola Davies DBE

Shortly before 6am on the morning of Wednesday 28 September 2016 Zoe Morgan and her partner Lee Simmons were standing outside their place of work, Matalan, in Queen Street in Cardiff. Without warning you approached Lee Simmons from behind, you grabbed him, took a knife from the rucksack on your back and proceeded to stab Lee Simmons in the back. Lee Simmons fell to the floor, where you persistently stabbed him in his chest. Zoe Morgan tried to pull you off, you said to her “Get the fuck off me, you fucking cunt” and shouted to her “I’m coming for you next bitch”. Lee Simmons struggled to get to his feet, you punched him, he collapsed to the floor. Zoe Morgan was screaming and running towards Boots. You chased her, shouting “Come here bitch”. Having caught up with her you punched her in the face. Zoe was cowering and trying to back away from you. Using a large knife you stabbed her several times, she fell to the floor. You continued stabbing Zoe in the back when she was lying on the floor. Having carried out the stabbings you walked across to the body of Lee Simmons, picked up the bag in which you had been carrying the knives to the scene and walked away. Police and paramedics were swiftly on the scene, medical assistance was given to Lee Simmons and Zoe Morgan but despite all efforts they were each pronounced dead.

You were responsible for the fatal injuries which led to in the deaths of Lee Simmons and Zoe Morgan. Lee Simmons was aged 33, Zoe Morgan was aged 21. They had their lives ahead of them. Lee was loved by his family, respected by friends and colleagues. Zoe's mother describes her as a beautiful, bright, funny, hardworking girl who brought joy to her family, full of life and love. In a sustained and brutal attack you ended those lives. You took away the futures of Lee Simmons and Zoe Morgan.

You met Zoe Morgan in June 2014, a relationship ensued and continued until July 2015. By the autumn the relationship had recommenced, a fact neither of you disclosed to your respective families. In November 2015 your maternal grandfather died. Your parents had separated when you were young, your mother gave you and your sister a loving and supportive upbringing. Your grandparents were an important part of that upbringing, your grandfather was a father-figure to you.

In 2016 you were working as a receptionist at a hotel and studying accountancy at college. In June 2016 Zoe was working for Matalan in Queen Street, there she met Lee Simmons. Around 12 July a relationship began between them. On your account, in July and out of the blue, Zoe stopped speaking to you. When you spoke to her few days after 13 July you accused her of cheating on you. She denied it. You began looking at her Facebook entries, you saw that Lee Simmons had been "liking" her photos, you clicked onto his profile and as a result of reading the entries concluded that he was in a relationship with Zoe.

On 19 July 2016 Zoe Morgan told you over Facebook that the relationship between the two of you was not working. You accused her of cheating, you said "You're definitely chatting to someone else", "I will kill whoever it is". On 22 July Zoe complained to her father that you were stalking her. Having discovered the relationship you sent abusive messages to Zoe which included threats to injure or kill Lee Simmons. On 27 July you met Zoe and Lee Simmons and she confirmed that he was her new boyfriend.

In July your sister had returned home from university. She heard you on the telephone to Zoe. You were upset and crying, saying to Zoe "I've done a lot for you". In another phone call she heard you say to Zoe "You cheated on me". Your sister described you as going downhill from that time, you become very down and depressed. She recalls you crying, you did not know what to do anymore.

Your mother describes you as having struggled to come to terms with the breakup of your relationship with Zoe. Following the split in July 2015 she states that you have been in and out of depression, although you never sought medical attention. She described how when you were down or depressed you would stay awake all night and she would hear you. At a weekend in mid-September 2016, she spoke to you at about 2am in the morning. You were upset about Zoe. You spoke to your mother about ending your life because you felt you had nothing to live for. Your mother sought to reassure you and encourage you to contact friends and go out with them.

Your mother and sister describe you as quiet, a person who does not show his feelings. You told the psychiatrist, instructed on your behalf, that you bottle things up. The insightful statements of your mother and sister are clear: in August and September 2016 you were emotionally low and depressed.

On your account it was in September that you made the decision to kill Zoe. By 17 September you were googling a number of subjects: the easiest way to kill a person; how many years for killing someone; how to slit someone's throat successfully. On 20 September you visited Morrisons and bought two knives of the same make and type as were used in the attack, you also bought latex gloves. Zoe was on holiday, your phone records flight arrival times and notes on the licence plate of a car parked in Queen Street. The latter were efforts by you to identify Lee Simmons' car. On 21 September you were using a search engine to find how to knife or slit someone's neck and throat, you were attempting to find the registration number of Lee Simmons' car. The next day you used a search engine to find out how to blow up a car without getting caught. By 25 September your internet searching includes searches for the question "Can pellet guns kill?"

It was on 25 September that you were first seen between the hours of 3 and 5 in the morning, walking back and forth along Queen Street in the vicinity of Matalan. You again viewed Zoe Morgan and Lee Simmons' Facebook profiles, you searched Google for pellet guns and gun shops in Cardiff. Two days later at the same time you were again seen walking back and forth along Queen Street. You must have known that Zoe Morgan started her shift at Matalan by 6 o'clock in the morning. Later that day you bought an air rifle and 500 pellets from a gun centre in Newport.

In the early hours of 28 September you searched YouTube for “motivation for killing” and “motivation for revenge”. Before you left home you wrote letters to your mother, sister, your grandmother, your aunt and uncle, all of which demonstrate an intention to take your own life. In the letters you wrote of being messed up, of feeling worthless, incomplete and being better off dead. You wrote “I have struggled with life for a while now and I could not deal with it any longer sorry. I tried putting my negative thoughts and memories to the back of my mind but it’s keep coming back all the time. I’m in mental pain daily”. It is not suggested that these notes were other than genuine. You have since stated, and I accept, that you bought the rifle in order to end your own life.

You left home at 4:41 in the morning. By 5:30 you were waiting by phone boxes in Queen Street. At 5:45 you were walking at pace along Queen Street towards Matalan. Zoe Morgan and Lee Simmons were waiting outside Matalan, she was about to start her shift, he had brought her to the shop. From out of nowhere you appeared and began the savage attack on Lee Simmons. The first knife, the smaller of the two, appeared to break in your attack on Lee Simmons. You then used the second and larger knife on Lee Simmons and subsequently on Zoe Morgan. Lee Simmons died as a result of sharp-force injuries to the left chest. Eight stab wounds were found: four to the chest, three of which were deep, two penetrating through to the rib which demonstrated movement of the knife within the wounds. A deep stab wound was present on the right shoulder, stab wounds were found on the upper back and face. The cause of Zoe Morgan’s death was sharp-force injuries to the trunk. Eight stab wounds were present to the right upper arm, base of the neck, the left shoulder and the small of the back. Three slash wounds were present on the right thumb, left shoulder and in the scalp. One deep stab wound was present on the back of the scalp, two others on the scalp from which the broken tip of a knife blade was recovered. In addition to the stab wounds both victims suffered more superficial injuries resulting from the attack. In total Lee Simmons sustained 14 injuries and Zoe Morgan 32. The attack upon Lee Simmons was a particularly sustained attack, causing deep injuries resulting from a forceful infliction of a knife. For Zoe Morgan the terror of the attack upon her would have been exacerbated by what she had seen you doing to Lee Simmons, her attempt to pull you away and your chasing of her.

Having killed Lee Simmons and Zoe Morgan, you walked to your car and began to drive to the place where it was your intention to take your own life. You were attempting to phone your mother. You spoke to her just before 6 am. You told your mother that you

had stabbed Zoe and her new boyfriend, you thought they were dead, you were going to kill yourself, you had left your mother a note. She told you to do nothing, to either come home or go to the police station because she did not want you to get into any more trouble, she was fearful that you were going to kill yourself. Your mother continued to talk to you on the phone, attempting to persuade you to come home. At the same time she woke your sister, as a result of which your sister telephoned the police. Your mother managed to persuade you to come home. When you arrived you brought with you the gun, you also brought the knife which you had used to kill Zoe. Shortly thereafter the police arrived, they seized the gun, the knife and latex gloves. To the police officer who handcuffed you, you said "I'm sorry, you know sometimes you just snap". You were arrested and after caution said "Are they both dead", "One of the knives is in the kitchen, it's wrapped in tissue, the other one broke off and I left it there in Cardiff, I'm really sorry for what I've done, I just lost control". To the officer who accompanied you to police station you said "Your head is a weird thing, one moment, that's all it was". When interviewed by the police you submitted a prepared written statement which said "I Andrew Saunders accept I am responsible for the deaths of Lee Simmons and Zoe Morgan". On 19 December 2016 you pleaded guilty to each count of murder.

Before this Court are statements from your mother, your sister, and others who have known you since childhood. Your form tutor from your years at school describes you as a polite, gentle and hardworking young man who was not only a pleasure to teach but a pleasure to know. He describes you as a gentle giant who at the time of leaving school had developed into a young man of great potential. You have never been in trouble with the police. You rarely drink, alcohol consumption is no part of the history of this offence.

Dr Sanikop, a consultant forensic psychiatrist, has prepared a report and an addendum. In the first report, following meetings with you in November 2016, he diagnosed you as suffering from a moderate depressive episode. The doctor identifies you as having experienced several life events: the death of your grandfather, the ending of your relationship with Zoe Morgan, the sudden death of your dog, failure in exams and your work being less busy. In the addendum dated 20 February 2017, by which time the doctor had seen your suicide notes, he stated that it was clear having read them that you were under significant emotional distress around the time of the killing. You were unlikely to be suffering from any mental illness disorder which was of a nature or degree

to substantially impair your responsibility at the time of the killing. The doctor then states this “However, it is fair to say that he was under significant emotional distress and the possible mental disorder namely adjustment disorder which is minor mental illness and conduct problems have been associated with such a disorder especially in adolescents. It is also noted that during subjective distress and emotional disturbance patients can present risk to themselves and others.” He concludes that in his view, having considered the fact that you have no known criminal history, no previous history of risk of violence, no evidence of any illicit or alcohol issues around the material time, it is likely that the emotional distress may have contributed to your savagely violent conduct at the time of the killing.

Having read the statements of your mother and sister, the reports of Dr Sanikop and the notes which you left for your family, I accept that in September 2016 you were suffering from significant emotional distress. A number of factors contributed to this distress, predominant amongst them was the death of your grandfather and the breakup of your relationship with Zoe Morgan. Whether, in addition to the distress, you were suffering from an adjustment disorder, does not in my view materially alter the fact that your distress contributed to your violent conduct. Your age of 20, your adolescence contributed to your conduct. A more mature individual would have been better able to manage the emotional distress from which you were suffering. I find that your emotional distress and your inability to deal with it due to your adolescence were factors which lowered your culpability for your criminal acts.

Whatever your emotional state on 28 September 2016, you took the lives of two people in a savage and senseless attack. You robbed the families of Lee Simmons and Zoe Morgan of a much loved son and a much loved daughter. The effect on each family has been devastating. Their feelings of intense loss are raw, the consequences of your actions will live with the families of Lee Simmons and Zoe Morgan for the remainder of their lives. The impact of each death upon the family of Lee and the family of Zoe is impossible to measure.

You have pleaded guilty to the murder of two people. You were aged 20 at the date of the killing and the date of your plea. There is only one sentence which this Court can pass in respect of each offence, that is custody for life pursuant to section 93 of the Powers of Criminal Courts (Sentencing) Act 2000. In respect of each sentence I have to

fix the minimum term in custody which you must serve before you can be considered for release by the Parole Board. In assessing such a term I apply the same factors in relation to each charge of murder. The custody for life sentences, and within each the minimum term of custody, are to run concurrently.

The offences involved the murders of two people, the seriousness was “particularly high”. Pursuant to paragraph 5(1)(a) and paragraph 5(2)(f) of Schedule 21 of the Criminal Justice Act 2003, the appropriate starting point for the minimum term of custody in respect of each murder is 30 years. Two statutory aggravating features are present, namely a significant degree of planning and premeditation and the mental and/or physical suffering inflicted on each victim prior to death. The planning began in September 2016. From 17 September onwards you were searching for information relating to killings. On 20 September you bought the two knives and the latex gloves which were used in the attack. On 26 September when you learnt that Zoe Morgan and her family had returned from holiday you make a note on your phone stating “Home now. Plan into action ASAP!!” Your actions were directed towards Lee Simmons and Zoe Morgan. As to the mental and physical injuries, there was a sustained attack on both victims, particularly Lee Simmons. The mental suffering was particularly relevant to Zoe Morgan. There are two further aggravating factors, namely the use of the two knives which were brought to the scene in order to commit the offences and the public location of the offences where there were a number of bystanders. There can only have been one intention in the carrying out of these attacks and that was an intention to kill.

From the outset you admitted your responsibility for these killings. You told your mother, the police in interview, your psychiatrist. You pleaded guilty at the earliest opportunity in Court. I give full credit for your guilty pleas. As to mitigation, from the first you have expressed remorse. You have never been in trouble with the police. My findings as to your emotional distress at the time of the killing and your inability to adequately manage it by reason of your age are mitigating factors.

Having taken account of the aggravating and mitigating factors the starting point for the minimum term of custody which you must serve is 28 years. The maximum credit which can be given for your pleas of guilty is one-sixth. This reduces the minimum term to 23 years and four months. Credit will be given for 151 days in custody. If the number of days spent in remand is incorrect it can be corrected administratively.

It is most important that you and everyone concerned with this case should understand what this in fact means. The minimum term is **not** a fixed term after which you will automatically be released but the **minimum** time that you will spend in custody before your case can be considered by the Parole Board. It will be for the Parole Board to say, at that time, whether or not you will be released: and if they do not you will remain in custody. If and when you are released you will still be subject to licence; and this will remain the case for the rest of your life. If for any reason your licence were to be revoked, you would be recalled to custody to continue to serve your life sentence in custody.

NICOLA DAVIES J
28 FEBRUARY 2017

