



JUDICIARY OF
ENGLAND AND WALES

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-v-

HOUGH

SENTENCING REMARKS OF THE HONOURABLE MR JUSTICE LEWIS IN MOLD
CROWN COURT

17 JULY 2017

1. Stephen Hough, you have been convicted of the manslaughter, rape and buggery of Janet Commins in January 1976.
2. Janet Commins was a 15 year old school girl living in Flint in January 1976. On the evening of Wednesday 7 January 1976, she went out, leaving a note for her parents to say that she was going to the swimming baths. She saw and talked to a friend in the swimming baths at about 7.35 p.m. Another friend saw her chatting to two other people on a road near where she lived at about 8.15 p.m.. She went to another friend's house between about 8.15 and 8.40 but that friend could not come out. Janet left. She never returned home. Her body was found, hidden in bushes close to her school, four days later on Sunday 12 January 1976. Janet had been killed in the course of a violent sexual assault
3. You, Stephen Hough, also lived in Flint in January 1976. You were 16 years old, a few days short of your 17th birthday, on the night that Janet disappeared. You had left school in Easter 1975 and you were working, or looking for work. You were fit and healthy playing rugby and ice hockey. At some stage that night, you must have come across Janet. You held her face down whilst you raped and buggeryed her. In the course of that violent sexual assault, she was unable to breathe and died, either as a result of her face being pushed into the ground or because you had a hand around her face and mouth. You left her body, lying face down, for some hours before you turned the body over and dragged the body to a thicket near where you lived and then hid the body in the bushes. You have shown no remorse whatsoever for what you have done.
4. You must have thought that you had evaded responsibility for your crimes. Like many young men in Flint in that January, you were questioned about your movements that night but you lied to the police about where you were and what you

were doing, in order to conceal your involvement. Furthermore, one of the unusual features of this case is that another person, a partially literate 18 year old man, was arrested and then convicted of the manslaughter of Janet Commins in 1976. He was sentenced to 12 years' imprisonment and served one-half of that sentence. As a result, you must have thought that your responsibility for these crimes would never be detected.

5. You were not, however, able to avoid your responsibility for these crimes for ever. Samples had been taken from Janet Commins' body and her clothing in January 1976. Those samples were preserved and stored at a Forensic Science Services Laboratory. Advances in science meant that a DNA profile could be extracted from those samples and compared with the DNA of an individual to see if the DNA from the sample matched the DNA of that individual. In 2006, the files relating to Janet Commins were located and a DNA profile extracted from one of the samples. That was loaded on the national DNA database. In October 2016, the police took a DNA sample from you. That was compared, routinely, with the DNA profiles on the national DNA database – and your DNA matched the DNA profile obtained from the sample obtained from Janet Commins. Further tests were taken and they established that DNA matching your DNA was present on samples taken from Janet Commins' body. You continued to deny any involvement in the events surrounding Janet's death. You were ultimately tried and convicted of the manslaughter, rape and buggery of Janet Commins.
6. It is now necessary to sentence you for the crimes that you committed over 40 years ago. In approaching that exercise, it is important to bear in mind that you were acquitted of murder, that is the jury were not sure that you intended to kill Janet Commins or that you intended to cause her really serious bodily harm. I therefore sentence you for manslaughter, not murder, I also bear in mind that you were 16 years old, almost 17, at the time that you committed these offences and I sentence you that basis. I am satisfied that it is not necessary to obtain a present sentence report. I have considered carefully all that has been said on your behalf by your counsel.
7. In determining the appropriate sentence, I bear in mind the guidance given by the Court of Appeal in *R v H(J)* [2012] 1 W.L.R. 1416, that I should apply the legislative provisions, and have regard to any relevant guidelines, applicable as at the date of sentencing, while bearing in mind that the sentence is limited to the maximum sentence available at the time that the offence was committed. The maximum sentence available for all three offences in this case was life imprisonment. I have also borne in mind the guidance of the Court of appeal in *R v Forbes* [2017] 1 W.L.R. 53.

8. The circumstances in which the offences were committed and the seriousness of the offences are the principal focus. It is necessary to have regard to the harm caused and your culpability when determining the appropriate sentence as required by section 143 of the Criminal Justice Act 2003.
9. In the present case, I propose to fix the sentence for manslaughter on the basis that reflects your offending as a whole, and to impose concurrent sentences for the offences of rape and buggery. The reality is that the manslaughter of Janet arose out of the rape and buggery and is interwoven with those offences.
10. I consider first the harm caused and the circumstances of the offending. You raped and a young, 15 year old school girl. You forcibly penetrated both her vagina and her anus, indeed you penetrated her so forcibly you tore the tissue both of her vagina and her anus. You held her face down. She was unable to breath and died. You left the body face down for some hours, on playing fields, before turning the body over and dragging the body into a thicket near your home and concealing it in bushes where the body lay for four days before being found.
11. Your culpability was, in my judgment, very high. You knew what you were doing – you were raping and bugging a young girl for your own sexual pleasure. You knew it was wrong. That conclusion is reinforced, in my judgment, by the fact that you concealed the body and you lied to the police about your involvement. You did so because you knew what you had done was wrong and you wanted to avoid the consequences.
12. I accept you were only 16, almost 17 years old when you committed these crimes. However, age is relevant, principally, because it may reflect a degree of reduced culpability on the part of a younger defendant as explained by the Court of Appeal in *R v Forbes*. In the present case, as I have said, in my judgment, you knew exactly what you were doing and you knew it was wrong. In the circumstances. Immaturity is therefore a factor of limited weight in determining the appropriate sentence.
13. In terms of mitigation, it is right that you had no previous convictions prior to committing these offences. It is the case that you were convicted in the 1980s of causing grievous bodily assault on a woman, when you were a serving soldier based in Germany, and you received a sentence of 5 years' imprisonment. However, that offence was committed some years after the offences for which I am sentencing you. I do not treat that later offence as a being an aggravating feature in relation to the three earlier offences which I am considering. However, that conviction does show that you offended after this offence and it cannot be said, in mitigation, that you have been of good character since you committed these offences in 1976. As I have indicated, you have never shown any remorse, at any time, for the offences that you committed.

14. In relation to the offences of rape and buggery, those offences were committed when the Sexual Offences Act 1956 was in force. The Sentencing Council Guidelines on Sexual Offences provides that the court should have regard to the guideline for the equivalent offences under the Sexual Offences Act 2003. The equivalent offence to rape and buggery is an offence of rape under section 1 of the Sexual Offences Act 2003. In terms of the Guideline for sentencing for that offence, the appropriate category of harm, in my judgment, is at least category 2. The offence involved a particularly vulnerable victim – a 15 year old school girl. It could well be categorised as involving extreme harm, within category 1, given that the rape and buggery resulted in death but I will reflect the fact that the victim died in the sentence that I impose for manslaughter rather than in the offences of rape and buggery. In terms of culpability, this is a category B case as the features for category A are not present.. The starting point for a category 2B offence is 8 years and the range is 7 to 9 years. There is the aggravating factor that you ejaculated. It is also right to bear in mind that there are two offences, in that you penetrated both the vagina and the anus. Those factors would justify increase the sentence from the starting point for rape. Against that I bear in mind that you had no convictions at the time that you committed these offences. I take account of your age, as I have indicated, your age has very limited weight.
15. For completeness, I have considered whether or not to impose an extended sentence but, on the material before me – where you no had no convictions prior to this offence and one in the 1980s for causing grievous bodily harm – I cannot be satisfied that you satisfy the requirements which must be satisfied before such a sentence is imposed.
16. Stephen Hough, you have been convicted of the manslaughter, rape and buggery of Janet Commins.
17. For the offence of manslaughter, the sentence of this court is one of 12 years' imprisonment.
18. For the offence of rape, the sentence of this court is 8 years' imprisonment to be served concurrently.
19. For the offence of buggery, the sentence of this court is 8 years' imprisonment to be served concurrently.
20. You will serve one half of these sentences in custody. After that you will be released on licence. That does not bring the sentence to an end. If you commit a further offence whilst on licence, you may be recalled to prison and required to serve the remainder of the sentence, and any sentence imposed for the later offence.