



JUDICIARY OF
ENGLAND AND WALES

IN THE CENTRAL CRIMINAL COURT

Mrs Justice McGowan

REGINA

-V-

JAMES LEWIS WATSON

SENTENCE

1. The body of Rikki Neave was found by a police officer in a wooded area near his home in Peterborough on 29 November 1994. He had been throttled by the collar of his jacket; it had been twisted from the back and used as a ligature to strangle him.
2. He died quickly and the medical evidence suggests that he was not frightened and did not struggle. The scientific evidence shows that he had walked into the woods wearing his shoes. After his death he was stripped naked and his body was laid out on the ground, spreadeagled with his arms and legs outstretched.
3. His clothing was later found in a dustbin outside a nearby house. A button was missing from his school uniform shirt. A matching button was found on a leaf near the body, showing clearly that he had been undressed at that location.

4. Rikki was only 6 years old, he had been born on 4 March 1988. He had three sisters, two of whom were living at home with him and his mother at the time of his death. All the children were known to social services and Rikki was on the “at risk register”. Rikki was well known on the estate, he would wander around day and night, avoiding school except for lunch time. School was where he invariably went at lunch time so that he could eat a proper meal.
5. Rikki is variously described as happy, bright and cheeky; he was capable of demonstrating great affection towards his sisters. His childhood had been a sad one, he was a neglected child generally and on specific occasions was the victim of violent and cruel behaviour.
6. However he never had the chance to grow up to be happy and to lead a normal and fulfilling life. That opportunity was denied to him by his murderer. Equally, the chance for his sisters to grow up knowing him and having a bond with him has been taken away. I have heard evidence from the family today, the loss they have suffered will stay with them forever and no sentence that I can pass will ever ease their suffering.
7. James Watson also had a difficult and troubled childhood. He was born on 1 April 1981 and was 13 years old at the time of the murder. By that time he was living in care in a children’s’ home. Until shortly before the 28 November he had been living with a foster carer, Molly Donald, at an address close to the estate where the Neave family lived. His father still lived nearby at the time.
8. I cannot be sure that the two boys ever met before the time around the date of the killing but for today’s purposes, that does not matter. I am sure that in the period before the murder James Watson was thinking about, planning and even talking about the placing of the naked body of a strangled child in those woods.
9. I am also sure that, at the time, James Watson had a sexual interest in little boys. The account given in 1993 by a young boy, to his mother about a sexual assault demonstrates that clearly, and even if the victim himself could not later remember the incident, it was reported and documented. I am sure that it happened and that it demonstrates such a sexual interest.

10. I am equally sure that a warped interest in strangulation and sexual activity is demonstrated in the evidence of a teenaged girlfriend of James Watson and of his conduct in relation to the carcass of a dead bird.
11. I do not however accept that there was any sexual activity directly linked to the killing in such a way as to aggravate the culpability for the murder in the sense indicated by the statutory guidance. There was a sexual motivation but I do not find that there was any sexual activity which increased the victim's ordeal or added to the depravity of the murder.
12. The bizarre stripping and positioning of the body was undoubtedly done as a manifestation of that sexual interest but it does not amount to concealment or desecration. I do not accept that the disposition of the body amounts to an attempt to conceal or destroy it, in the sense envisaged by the legislation.
13. On 28 November, James Watson met Rikki Neave on the estate, they chatted and at some point moved into the woods where the child was murdered. The removal of the clothing and the positioning of the body must have taken some time.
14. Importantly there was no sign of any panic that would suggest that a "game" or some kind of childish sexual "experiment" had gone wrong. No attempt was made to notify any adult, let alone the ambulance service or police.
15. James Watson was interviewed, as a witness, by police in the course of the initial enquiry. He told them that he had met Rikki on 28 November and they had watched a digger being used on landscaping work on the estate. When he was interviewed in 2015 in the course of the second enquiry he added that he had picked Rikki up to look over a fence, I accept that he gave that account in anticipation of the finding of evidence of his DNA on Rikki or his clothing.
16. In the course of subsequent interviews differing accounts were given. At no time were any direct admissions made or any explanation that there had been a game that went wrong or any other accidental cause of death.
17. The only sentence available for murder is detention for life, in the case of someone who committed the murder whilst under 18 years of age. He will, of course, serve that sentence as one of imprisonment in an adult prison. I have

to determine the minimum term to be served before his release might even be considered.

18. The Sentencing Act of 2020 re-states the terms of Schedule 21, I must consider those in setting the minimum term.

19. James Watson was under 18 at the time, therefore the starting point is a 12 year minimum term. That is aggravated or increased by the following factors;

- a. This was the murder of a child, that of itself is a very serious factor.
- b. Although it was committed by another child there was a significant difference in age, build and strength. Almost certainly because of his family experience Rikki was a child too willing to trust and engage with strangers, it is accepted that he was vulnerable and
- c. This was a pre-meditated crime, Rikki Neave was not necessarily the intended victim but James Watson had pre-meditated and spoken about killing some young boy in precisely the same way and place as Rikki was killed.

20. Culpability is reduced because

- a. James Watson was only a child of 13 at the time. I accept that he had a difficult and abusive upbringing, although there is no suggestion that he did not understand what he did or that he did not appreciate the seriousness and criminal nature of his actions,

21. Although there was undoubtedly a sexual element in the motivation and contemplation I do not find that there was any sexual component to this murder such as to aggravate the sentence. I do not find that there was any act amounting to abduction in this case and I do not find that the deposition of the body amounts to an attempt to conceal or destruction.

22. I must also have regard to the likely sentence he would have received if he had been convicted at, or soon after, the time of the murder. Minimum terms for persons who commit murder whilst as young as 13 have not been increased by as great a proportion as for people over 18. Mercifully, there are very few cases to use as a guide. The case of Thompson and Venables is of some very limited assistance, there the trial judge imposed a term of 8 years which the then Lord

Chief Justice, Lord Woolf, indicated on a review in 2000 might properly have been 10 years. Those boys were only 10 at the time of the murder and 11 at the time of sentence.

23. Any minimum term must also reflect the time already served in custody awaiting trial on this indictment. Given the history, that is a more complicated calculation than is usually the case.
24. On 15 January 2009 a sentence of Imprisonment for Public Protection was imposed. That led to a number of recalls, in part because of allegations of other criminal offences but also because he left the UK in breach of his licence. I have seen material provided by the Parole Board on his progress at various times during that sentence.
25. James Watson was charged with this murder on 20 February 2020, to today's date that is 855 days. On 4 March 2020 any other reason, save this allegation and the IPP, came to an end when another set of proceedings was dropped. Taking that date as the point at which remand on this charge was the only outstanding allegation, that is 843 days to today's date. If there are any miscalculations or mathematical errors, the matter can come back, in the first instance, under CPR r.28.4 and s. 385 Sentencing Act 2020.
26. It may be that James Watson would have been recalled once or more after that date in March 2020. His pattern of offending supports that possibility but it does not provide a degree of certainty to the extent required to justify a punitive effect, that would be coming dangerously close to speculation.
27. I cannot be sure that James Watson would not have been released at the point that all other proceedings were dropped, therefore I cannot be sure that he would have stayed in custody but for this allegation. If that is wrong the effect is only that he will be entitled to make an application for release to be considered earlier. It does not necessarily mean that he will be released earlier.
28. He will never be released until the Parole Board is satisfied that he is no longer a danger to the public. He will remain on licence, and subject to recall, for the rest of his life.

29. The current minimum term for an adult convicted of this crime would have a starting point of at least 30 years. All murders committed by persons under 18 have the same starting point of 12 years but that must be adjusted to reflect a significant increase for all the circumstances in this case.
30. Considering all those factors. The sentence I would be bound to pass today if he was still a teenager would have a minimum term of at least 18 years, adjusting that to reflect what would have happened at the time of the offence and his comparatively young age.
31. The sentence I impose is detention for life at Her Majesty's Pleasure and I set the minimum term at 15 years less 843 days.