



JUDICIARY OF  
ENGLAND AND WALES

**In the matter of the murder of Ava White**

**Liverpool Crown Court**

**11<sup>th</sup> July 2022**

**Sentencing Remarks of Mrs Justice Yip DBE**

1. *[Defendant]*, I need to explain to you and to others who are interested the sentence I am going to pass. I have tried to make what I am going to say as easy to understand as possible but there may be some things I need to say that will be difficult for you to understand or to take in straight away. As soon as I have finished sentencing you, I will let *[the intermediary]* and your legal team have a written copy of what I have said so that they can explain anything you have missed.
2. I will also make the written remarks available to members of the press. An order pursuant to section 45 of the Youth Justice and Criminal Evidence Act 1999 remains in place and prevents the reporting of the Defendant's name. I will use his name during sentencing but will replace it with the word "*[Defendant]*" in the written copy. I am avoiding saying anything else during sentencing that might lead to identification, so all other things that I say may be openly reported.
3. Ava White was only 12 years' old. She was full of character, always laughing and had lots of friends. We have heard this morning that she was kind-hearted. Her family were proud of the certificates awarded to her for her kindness. Ava was also fearless. Her cousin said she thought she was invincible. At the age of 12, she had every right to think that. When she went out that evening to have some fun in town, no one could ever have imagined she would be killed, least of all Ava.
4. Ava's death has left a huge hole in the lives of her family and friends. It is a hole that will never be filled. Ava will never grow up and fulfil her dreams. She will be remembered by many and their lives will be marked forever. The evidence we have heard from her family today is deeply moving. While I know it is of little comfort, I express my deepest sympathies to them.

5. The way in which Ava met her death shocked this city. For a young girl to be stabbed in the neck in the city centre while many people, including children, were there to enjoy the turning on of the Christmas lights is truly shocking. CCTV captured what happened. During the trial, Ava's last moments were played out on screen, something which was painful for her family. There was some focus on what Ava and her friends had been doing earlier but, in truth, none of that matters. There is only one reason why Ava is dead and that is because you [*Defendant*] chose to carry a knife and you chose to get it out and use it.
6. You enjoyed carrying a knife. You were showing it off to your friends earlier that evening. It was a nasty weapon and you should not have had it. You said that you carried it because you thought you were big.
7. This morning, Ava's sister Mia spoke bravely about her loss and about the terrible impact of knife crime on families. I cannot put it any better than her. She talked about the ripple effect and the damage caused to families. As she said, the victim's family is left with a life sentence that will never end. Ava's friends too, particularly those who witnessed her murder, will be deeply affected for the rest of their lives.
8. Unlike Ava, you will still have a chance to grow up but your life has been changed forever. As you know, I must pass a life sentence on you today and I must state the minimum amount of time you should serve before the Parole Board can first consider your release. That does not mean you will be released then or at any time after that. You will only be released if you can show you are no longer a danger. Because of your age, you may be released while you are still a young man. I know that will seem unfair to Ava's family when they have lost the chance to see her grow up. You will have to do the rest of your growing up in custody, going through the youth system before transferring to an adult prison. If you are released, the life sentence will not end there. You will be on licence and can be recalled to prison at any time if you do not behave properly.
9. In deciding the minimum period you must serve I must look at the seriousness of the offence and all the information I have about you. I must follow the principles set out in Schedule 21 of the Sentencing Act 2020. There has been a recent change affecting the starting point for murder for those under 18, but the date you were convicted means I apply the old rules. I should say that I do not think the new rules would lead to a different outcome in your case. The relevant starting point is 12 years but I then have to consider aggravating and mitigating factors, that is things that make your offending

more serious or less serious, which can lead to moving up or down from the starting point.

10. I must also give appropriate weight to the Sentencing Council's Guideline on Sentencing Children and Young People. Of particular relevance in this case is paragraph 4.10 of that Guideline which requires courts to consider whether the young offender has "the necessary maturity to fully appreciate the consequences of their conduct, the extent to which the child or young person has been acting on an impulsive basis and whether their conduct has been affected by inexperience, emotional volatility or negative experiences."
11. You are also to be sentenced for the offence of having an offensive weapon, to which you pleaded guilty. Given your age and as I am imposing a sentence of detention at Her Majesty's Pleasure, there are limited sentencing options available today for that offence. Your possession of the knife is an important feature of the murder and I will take it into account in fixing the minimum term for murder, rather than passing a separate sentence.
12. I accept that you did not go out that evening intending to kill, or even to hurt, anyone. You did not know Ava. You were out with your friends, she was with hers. You came across each other by chance. It is a tragedy that the events leading to Ava's death started with something so small. You and your friends were amused by what Ava was doing and filmed her. She did not like that and asked you to delete the video. You could have done that and gone your separate ways but you put the video on Snapchat. Ava was upset and an argument developed. During that argument, you and your friends were approached by an older boy. We heard evidence that he had a large knife, although you did not see it at the time. But he had gone before the events that developed into Ava's murder.
13. Ava was very angry. We saw her on the video footage fronting up to you. Ava was a little bit taller than you and you were roughly the same weight. You were dressed very similarly and you said you thought Ava was a boy. Had it not been for the fact that you were carrying a knife and Ava was unarmed, you would have been evenly matched. There was evidence that Ava said she could batter you because you were only small. She did follow you down Church Alley and into School Lane as you and your friends were walking away and she chased you around. There was a bit of what looked like pushing and shoving between you and that is exactly where it should have ended. You could have run away and escaped, just as you did after you stabbed Ava. You chose

instead to get your knife out. You did not give her any chance to back off. You did not show her the knife or shout a warning. You simply swung at her, plunging the knife into her neck. The whole thing happened so quickly. Only a minute after Ava was seen running towards Church Alley, she had been stabbed.

14. After stabbing Ava, you ran off. You knew the police would be looking for you. You got rid of the knife and the coat you had been wearing. You went into a shop where you were seen smiling and taking a 'selfie'. You tried to pretend that you had not been in town and you lied to the police. Later, you did admit killing Ava and you told the authorities where the knife was.
15. You were 14 years' old at the time of the offence and are now 15, although you seem younger than that. I have the benefit of a detailed Pre-Sentence Report. I have also seen a letter from your mother. It is my view, supported by the report, that she is not to be blamed for what happened. She has been consistent in her love for you and in working with professionals to support you and to seek help, even giving up the job she had done for many years to be there for you. On the night of the murder, she cooperated with the police. The other children in your family are well-behaved. Your family's lives have been greatly affected by what you have done. They have had to move away from Liverpool. That is another side of the ripple effect of knife crime.
16. You do not have any previous convictions but that is not the same as saying your behaviour was good before this offence. You were dealt with by a Community Resolution Notice for an incident that occurred in July 2021 when you hit a police community officer on the head. You had also been arrested for a serious incident in May 2021 when you are alleged to have assaulted two women. You had not been tried for those offences when you murdered Ava. The allegations have not been tested and it would be wrong to treat them as relevant to today's sentencing. Your mother says that your behaviour was out of control from May 2021. She had repeatedly asked for help. You were eventually referred to an educational psychologist and sent to a special school. You had been diagnosed with ADHD and were being investigated for autism. I know that you are embarrassed by this but it is an important part of your background and so needs to be said. You did not want to be at a special school and often went missing from home.
17. Sadly, you appear to have been exposed to violence at a young age. Your father was violent to your mother. He went to prison in 2015 and has only recently been released. You had been close to your father and were upset by the separation. Plainly, he did not

set a good example to you. By August 2021, it was suspected that you were being exploited by known criminals. Professionals saw in you patterns that are often seen in exploited children. There were occasions when you may have been assaulted and humiliated. The Pre-Sentence Report suggests you may have been desensitised to criminality, including violence and carrying weapons. The things you had experienced may have increased your fear of being attacked.

18. Your behaviour since being on remand has been much better, indeed for most of the time it has been very good. You have built positive relationships with the staff and are studying for GCSEs. It is a great shame that it has taken this to get your behaviour under control.
19. When setting the minimum custodial term, Schedule 21 of the Sentencing Act 2020 explains that the court must take into account any aggravating and mitigating factors that have not already been allowed for in the starting point.
20. Where an adult has taken a knife to the scene intending to have it available to use as a weapon and has used that knife to commit the murder, the starting point is much higher, 25 years. The starting point of 12 years that I must apply to you does not make any allowance for this. Although I have accepted you did not take the knife out intending to use it to kill or hurt someone that night, you did intend to have it available as a weapon if needed. You were very quick to get it out and to use it as a weapon when confronted by Ava. This is a serious aggravating feature which must be factored in.
21. The fact that this murder occurred in the centre of town on a busy night when there were many people including children around enjoying the Christmas lights caused shock and revulsion to members of the public and is another serious feature I take account of.
22. It is also shocking and a serious feature that the victim was a 12 year old girl. I do not find that this means that she was particularly vulnerable within the meaning of paragraph 9(a) of Schedule 21. You were both children, of a very similar size. This is not a case of using superior strength to overpower her. She saw herself as your equal and was not afraid to chase after you. But as this case demonstrates, groups of children are likely to come together in crowded areas and arguments can start over all sorts of things. Carrying a knife into such a situation and then using it against an unarmed child naturally causes concern and fear to the wider community. This is the real seriousness of this case.
23. None of the other statutory aggravating factors apply here.

24. Looking at the mitigating factors identified in Schedule 21, I cannot be sure that you intended to kill Ava rather than just to seriously hurt her. However, you did stab her in the neck with some force, so this can offer little mitigation. I do accept that there was a lack of premeditation. Your decision to use the knife was made very quickly. I have to take account of the mental difficulties I have described and consider whether they lower your degree of culpability. Of course, they cannot begin to excuse what you did but they probably contributed to your general behaviour and to you making bad decisions both before and on the night. You were an immature 14 year old and I take account not only of your actual age but also your emotional and developmental age. I must also look at how past experience and negative influences have affected you. When weighing how much your difficulties affected what you did, I do put into the balance that you were able to take steps to dispose of evidence after Ava's murder. This demonstrates an ability to understand and act on the consequences of your actions, even if your thinking skills were not as well-developed as others of your age.
25. Mitigation is afforded to an offender who acted to any extent in self-defence or in fear of violence. The jury swiftly rejected that you were acting in reasonable self-defence and, as I have said, you could simply have run away. Nothing Ava did came close to justifying getting a weapon out. She and her friends had chased you though and Ava had confronted you and was moving towards you when you stabbed her. Your past experiences and distorted thinking may have affected the threat you felt.
26. The reality is that there is much overlap between the mitigating factors I have identified. This was an impulsive act where your immaturity, the difficulties which had not been addressed at the time and your past experiences may have affected how you saw the threat of being chased and confronted by Ava. Taken together, this provides some mitigation which balances the impact of the aggravating factors.
27. The lack of signs of remorse immediately after Ava had been killed and indeed at trial has understandably caused Ava's family further distress. You have said that you are very sorry for the loss and hurt you have caused and you have begun to display a more appropriate attitude. Today, it is fair to say that your reaction to hearing Ava's family speak was remorseful. I do not think that can afford any significant mitigation but it is encouraging that you are beginning to see the true impact of your actions.
28. There is a better side to your character. Your mother says that you were a loving boy and that you often did things to help her, your siblings and your grandmother. Hopefully, you can continue the very positive changes you have made since being in

the unit. Your mental health has not been good for many years. You are getting help with that and will have to continue to work on this with the support of the professionals involved with you.

29. I conclude that although the serious nature of this offence requires a significant uplift from the starting point, this is balanced by all the mitigation I have identified both in the circumstances of the offence and in relation to you. There will still be an uplift from the starting point to reflect my view that the aggravating factors outweigh the mitigating factors, but that uplift will be significantly less than it might otherwise have been but for all that I now know about you.
30. [*Defendant*], on Count 1, for the murder of Ava White, you will be detained at Her Majesty's Pleasure. I set the minimum term at 13 years less the 224 days that you have spent on remand. I stress that the minimum term is just that; it is the minimum you will be required to serve. It will then be up to the Parole Board to decide if and when you can be released. If you are released, you will be on licence for the rest of your life.
31. On Count 2, having an offensive weapon, there will be no separate penalty. I order the forfeiture and destruction of the knife.
32. Count 3, the charge of manslaughter, will be marked "convicted of alternative offence".
33. The statutory surcharge in the appropriate amount taking account of your age shall be applied.