

**The Queen**

– v –

**Leo Pickford**

**Ronnie Bevan**

**Archie Pestridge**

**RULING ON LIFTING REPORTING RESTRICTIONS  
under s.45 Youth Justice and Criminal Evidence Act 1999  
(Decision 15.07.22; Reasons 19.07.22)**

1. On Friday 15<sup>th</sup> July 2022 Leo Pickford (now aged 16), Ronnie Bevan (now aged 15), and Archie Pestridge (now aged 16) were sentenced for the murder of Peter Cairns in Telford on 11<sup>th</sup> June 2021 (count 1) and for assault occasioning bodily harm to Kaine Bushell (count 2). In addition, Ronnie Bevan was sentenced for an earlier offence of s.18 wounding with intent, and for an offence of possessing an offensive weapon.
2. Leo Pickford pleaded guilty to murder on 18th February 2022, well in advance of the trial. Ronnie Bevan and Archie Pestridge were convicted of murder by the jury on 26<sup>th</sup> May 2022 after a trial lasting several weeks.
3. For murder a life sentence was mandatory for each of the three defendants. Because they were all under 18 years of age when they committed the murder, their life sentences had to be expressed as detention at Her Majesty’s pleasure. The court had to fix the minimum term each must serve before he is eligible for consideration by the parole board for release on licence. In the case of Leo Pickford, the minimum term imposed was 11 years. For Ronnie Bevan and Archie Pestridge the minimum term imposed in each case was 13 years.

**The application to lift the s.45 orders**

4. Throughout the proceedings there have been orders in force in respect of each of these juvenile defendants under s.45 Youth Justice and Criminal Evidence Act 1999, prohibiting the reporting of their identity, or any matter likely to lead members of the public to identify them whilst they are under the age of 18.

5. There is an application by the Press to lift the s.45 orders now that the three defendants have been convicted of these very serious offences. At the sentencing hearing I considered that application carefully in the light of written and oral submissions. I gave my decision that the s.45 orders would be lifted, but not unless and until the appeals against conviction lodged by Ronnie Bevan and Archie Petridge are dismissed. I indicated that I would give full reasons for my decision as soon as practicable. These are the reasons.
6. The case has attracted widespread local interest. It has been reported throughout by the local newspaper, the Shropshire Star. Before the jury returned their verdicts the court received a written application, by email dated 23 May 2022, from the senior reporter who has been covering the case, Mr David Tooley, asking that in the event of guilty verdicts the reporting restrictions be lifted. The reasons for the request were the seriousness of the case, and the evidence the jury had heard regarding the defendants' attitudes to violence and the use of weapons in a public space.
7. When guilty verdicts were returned on 26<sup>th</sup> May the case was adjourned for sentence to 15<sup>th</sup> July. I indicated that reporting restrictions would remain in force for the time being but that I would deal with the application to lift the reporting restrictions at the sentencing hearing. I gave directions for the service of defence representations in response to the application. I also gave directions for service of any further representations by the Press or other Media.
8. By email dated 14 July 2022 the court received the following additional representations from the Shropshire Star, in an email from Mr Dominic Robertson, Chief Reporter:

*“The Shropshire Star makes the application on the basis of ‘public interest’ owing to both the serious nature of the crime and the impact on the community at the time it took place, and since. This is set against a backdrop of increased public concern about the proliferation of knife crime and the widespread knowledge within the Telford area about the group nature of the incident.”*

The email went on to say that there is a public expectation that those convicted of crimes of this severity are identified as a consequence, and that wherever possible it is important for the public to see that justice has been served.

9. The application to lift the reporting restrictions is opposed on behalf of each defendant. In response to the application I received written submissions on behalf of Leo Pickford from Mr O’Byrne QC and Ms White, dated 10<sup>th</sup> July 2022, written submissions on behalf of Ronnie Bevan from Ms McAtasney and Mr Smith, dated 12<sup>th</sup> July 2022, and written submissions from Mr Keeling QC and Mr Edwards on behalf of Archie Petridge, dated 12<sup>th</sup> July 2022. At the

sentencing hearing I received helpful further oral submissions on behalf of each defendant. The pre-sentence reports in respect of the defendants also touched upon the issue of lifting reporting restrictions.

10. On behalf of the prosecution, there were written submissions from Ms Wilding QC and Mr Williams in their sentencing note dated 30<sup>th</sup> June 2022. Ms Wilding identified features of the case which suggested that it would be appropriate to lift the reporting restrictions, but essentially (and very properly) she remained neutral.

### **The statutory framework**

11. The relevant statutory provisions governing this application are contained in s.4(4), (5) and (6) of the 1999 Act.
12. S.45(4) provides that the court may make an “excepting direction” dispensing, to any extent specified in the direction, with the restrictions imposed by the original s. 45 order “...if it is satisfied that it is necessary in the interests of justice to do so.”
13. S.45(5) provides that the court may also make an “excepting direction” if it is satisfied:
  - (a) that the effect of the restriction in the original order is to impose a substantial and unreasonable restriction on the reporting of the proceedings; and
  - (b) that it is in the public interest to remove or relax that restriction.

However, the statute provides that no excepting direction shall be given under this subsection “...by reason only of the fact that the proceedings have been determined in any way or have been abandoned”.

14. S.45(6) provides that when deciding whether to make an excepting direction in relation to a person, the court “...shall have regard to the welfare of that person”.
15. In the prosecution’s sentencing note, and in the written submissions on behalf of the defendants, extensive reference is made to the case law. It is unnecessary to recite the authorities in any detail. The relevant principles, and key points, have been analysed and identified comprehensively by the Court of Appeal in *R v Markham* [2017] EWCA Crim 739; [2017] 2 Cr App R (S) 30, and in *R v Aziz* [2019] EWCA Crim 1568. Essentially there is a balancing exercise to be performed. On the one hand there is the strong public interest that the Press

should be able to report the proceedings fully as part of the principle of open justice. On the other, there is the need to have regard to the welfare of the child.

16. In *Markham*, Sir Brian Leveson P, giving the judgment of the court, noted, at [83], that when a person under 18 is tried on indictment in the Crown Court, "...there is a strong presumption that justice takes place in open, and the press may report the proceedings". The court held, at [90], that the lifting of reporting restrictions pursued a legitimate aim and was a reasonable and proportionate measure, properly balancing the welfare of the defendants in that case (and other factors identified in the ECHR, article 8) against the article 10 right of the Press and the interests of the public.

17. In *Aziz* the Court of Appeal identified a number of key points (at [40]):

(1) The general approach to be taken is that reports of proceedings should not be restricted unless there are reasons to do so which outweigh the legitimate interests of the public in receiving fair and accurate reports of criminal proceedings and knowing the identity of those in the community who have been guilty of criminal conduct and may, therefore, present a danger or threat to community in which they live.

(2) The fact that the person before the court is a child or young person will normally be a good reason for restricting reports of the proceedings in the way permitted by the legislation; it will only be in a rare case that a direction under section 45(3) will not be given or, having been given, will be discharged.

(3) Very great weight must be given to the welfare of such a child or young person. Power to dispense with anonymity must be exercised with very great care, caution and circumspection; the court must be clear in its mind why it is in the public interest to dispense with the restrictions, which will very rarely be the case.

(4) It is not the case, however, that the welfare of the child or young person will always trump other considerations. When a juvenile is tried on indictment in the Crown Court there is a strong presumption that justice takes place in open and the press may report the proceedings.

18. The relevant principles have been further confirmed and summarised in R v KL [2021] EWCA Crim 200; [2021] 2 Cr App R 4, at [67]. It was emphasised that the decision for the trial judge is a case specific and discretionary assessment, where a balance falls to be struck between the interests of the child and the wider public interest in open justice and unrestricted reporting.
19. Before considering the rival submissions it is important to note that the s. 45 orders currently in place will expire in any event when each defendant reaches the age of 18:
- (i) Leo Pickford is now aged nearly 16 years 2 months. His 18<sup>th</sup> birthday will be 31<sup>st</sup> May 2024. The current order therefore has some 22 months to run.
  - (ii) Ronnie Bevan is now aged 15 years 3 months. His 18<sup>th</sup> birthday will be 6<sup>th</sup> April 2025. The current order therefore has some 2 years 9 months to run.
  - (iii) Archie Pestrige is now aged 16 years 6 months. His 18<sup>th</sup> birthday will be 22 January 2024. The current order therefore has some 18 months to run.

20. In Markham, the Court of Appeal acknowledged, at [89], that this is a relevant factor, and in KL, at [85], considerable weight was given to this factor in upholding the judge’s decision to lift reporting restrictions. As the court put it:

*“In this case, the defendant would (absent the excepting direction) enjoy about 18 months more of anonymity. He is also due to serve a minimum of 15 years in custody. In these circumstances, it is difficult to see how naming him now will inhibit his rehabilitation. No written or oral argument (or evidence) grappled with this issue. On the other side of the balance is the substantial public interest in reporting horrific gang related murders such as the present and the open justice principle.”*

21. In KL the court also said, at [87]:

*“Finally, we should address the submission that anonymity cannot be removed unless the facts are “exceptional”. In our judgment, though the facts of cases such as Markham and Aziz were indeed truly shocking, there is no rule of law or iron clad principle which requires this to be the case before an excepting direction can be made. So, when the Court of Appeal in Aziz observed at [43] that the crime was regarded by the judge as “exceptionally serious”, and explained at [41], that Markham was “quite exceptional on its facts” it was not identifying some form of additional condition that had to be satisfied before an excepting direction could be made. In our judgment, this approach is not inconsistent with the principles we have summarised a [67] above: these give very substantial weight the interests of the child which is why it will be rare for an excepting direction to be made”.*

### **The circumstances of the murder and the public interest argument**

22. The murder was committed on a summer's evening on a leafy wooded public thoroughfare on the outskirts of Telford, the Silkin Way. It is heavily used by members of the public for exercise and for dog walking and is not far from a hotel which overlooks adjacent fishing lakes popular with anglers. There are no CCTV cameras on the route. There were adults and children around that evening, but fortunately they witnessed only the aftermath of the murder and did not see it taking place. The fact that two innocent members of the public, enjoying leisure time on the Silkin Way and minding their own business, should have been viciously attacked without any provocation by three young teenagers armed with weapons, and one of them brutally murdered, is just the sort of criminal behaviour which profoundly unsettles and disturbs the public, particularly those living locally who use the route. It is a matter of very great local interest and concern. As the mother of the deceased put it in her impact statement: *"I know people are always oblivious to things like this, but [my son] is proof that this could happen to anyone even if they are minding their own business."*
23. These three defendants were members of a gang. They were on their way to confront a rival gang and had armed themselves for that purpose. Leo Pickford was carrying a large kitchen knife which he used to stab the deceased repeatedly in a frenzied attack. Ronnie Bevan was carrying a heavy steel wheel brace which he produced at the first opportunity and used to strike the other victim, thereby initiating the violence which soon became fatal. Archie Petridge was carrying a samurai sword which he produced at Ronnie Bevan's suggestion, and which he immediately used to strike the other victim before joining in the attack on the deceased.
24. All three defendants lived locally. It is apparent that this intended confrontation with the rival gang had been building up for some time. It is a matter of grave local concern that teenagers, and particularly teenagers as young as this, should consider themselves entitled to arm themselves and behave in this way, terrorising innocent members of the public.
25. The contention is that the public are entitled to know the identity of those who behave in this way and are convicted of such a serious offence as murder.
26. In the prosecution's sentencing note attention is drawn to the following factors which, it is suggested, may militate in favour of lifting reporting restrictions:
- (i) the devastation caused by knife crime, not only to victims of stabbings and their families, but also to young people drawn into such offending;
  - (ii) the growing prevalence of this social problem, especially amongst very young teenage offenders;

- (iii) the consequent need for deterrence;
- (iv) the promotion of public confidence in the criminal justice system is addressing the problem.

### **The submissions on behalf of the defendants**

#### **Leo Pickford**

27. On behalf of Leo Pickford, the application to lift the section 45 order is opposed. In summary, it is submitted that the balance should come down in his favour having regard to his welfare. He has faced and continues to face serious mental health problems. The public will know that a young defendant used a knife to take a man's life, and to that extent the public's concern about knife crime and the penal consequences of knife crime will be reported. Nothing more will be achieved by the publication of his name. Reliance is placed on the content of the pre-sentence report and the psychiatric reports. The prospect of his living a decent family life in due course is an important element in his rehabilitation; it is undesirable to jeopardise that by reporting his name.
28. The pre-sentence report, at paragraph 5.3, invites the court to give careful consideration to the impact that publication of his name would have on his family. His mother has moved away from Telford altogether. She is now the primary carer for the defendant's newborn child, through arrangements sanctioned by the family court. It is suggested that these arrangements could be jeopardised by publication of the defendant's name, and the family put at risk from retribution.

#### **Ronnie Bevan**

29. On behalf of Ronnie Bevan, the application to lift the s.45 order is opposed. In summary, it is submitted that he is young, vulnerable to suicide, and very anxious. Feeling in the local community runs high. His family have recently moved out of the Telford area owing to threats in the community. He worries particularly about his mother's safety. His concern about her safety in the past has previously impacted adversely on his mental health. There are, at last, encouraging signs of progress in his attitude and behaviour in custody. It would be wrong to jeopardise this by naming him publicly.
30. The pre-sentence report, at paragraph 3.8, confirms that the defendant's family have recently moved out of the Telford area owing to concerns with threats in the community. The report invites the court not to lift the reporting restriction on account of "ongoing repercussions for the family".

**Archie Pestrige**

31. On behalf of Archie Pestrige, the application to lift the s.45 order is opposed. It is submitted that naming the defendant would inevitably have a detrimental effect not only upon the defendant himself but also on his family. His family, including his younger brother aged 10, continue to live in the Telford area at present, although they are looking at moving away in the near future. It is acknowledged that the reporting restriction will in any event cease on his 18<sup>th</sup> birthday in 18 months' time, but by then any safety concern for the family can be addressed, and the defendant will himself inevitably be better placed personally. The case will still be very newsworthy even if the defendant is not named.
32. The pre-sentence report, at paragraph 3.4, confirms that the family are currently looking at moving out of the area in the near future. The report invites the court not to lift the reporting restriction, as it could have "potential safety repercussions on the family".

**Discussion and conclusion**

33. I have considered carefully all these submissions on behalf of the defendants and on behalf of the Press, including counsel's further oral submissions at the sentencing hearing during mitigation. As I announced before passing sentence, I have reached the firm conclusion that the s. 45 orders should be lifted and that an excepting direction should be made.
34. However, there is a complication in that Ronnie Bevan and Archie Pestrige have lodged appeals against conviction. It would not be appropriate to lift the current reporting restrictions whilst those appeals are pending. If the appeals were to succeed and a retrial ordered, it would be essential that anonymity be preserved until the conclusion of the retrial, when the matter would be reviewed again in the event of convictions.
35. Leo Pickford pleaded guilty, so there is no appeal against conviction in his case. However, if I were to lift the reporting restriction in his case at this stage, allowing him to be named, there would be a danger of "jigsaw identification" of the other two defendants.
36. I shall therefore direct that my order lifting the s.45 reporting restrictions in the case of all three defendants will not take effect unless and until those appeals against conviction are dismissed. I shall return to the mechanics and precise wording of such an order.
37. My reasons for lifting the s.45 order in respect of each defendant by giving an excepting direction are that in each case I am satisfied that it is necessary in the interests of justice to do so, pursuant to s. 45(4) of the Act, and also satisfied that the effect of the restrictions is to



impose a substantial and unreasonable restriction on the reporting of proceedings, and that it is in the public interest to remove that restriction, pursuant to s.45(5) of the Act.

38. In reaching this decision I have had regard to the welfare of the defendants as children, but for the following reasons I am satisfied their welfare is substantially outweighed by the public interest in reporting their identity in the particular circumstances of this case.
39. These young defendants have been convicted of a very serious offence indeed, murder. Ronnie Bevan has also been convicted of a serious offence of wounding with intent committed a few weeks earlier, which also involved an unprovoked stabbing in a public place. He is still only 15 years old. The other two defendants are now 16 years old. The restrictions in the s.45 orders will in any event cease to have effect when they reach their 18<sup>th</sup> birthdays. Because of the length of the minimum term I have imposed for each defendant, they will each be in custody serving their life sentence for a period of many years after they reach their 18<sup>th</sup> birthday.
40. The real question, in terms of their welfare as children, is what adverse impact they are likely to suffer, respectively, over the next few months until the age of 18 if their identity is now revealed publicly. I have considered each defendant separately before addressing the overriding public interest.

**Leo Pickford**

41. I have very much in mind Leo Pickford's mental health issues. They are well documented and continuing. He has made attempts on his own life and has to be closely watched. However, he will continue to receive whatever support and treatment may be necessary. The knowledge that he has been publicly named (if and when that happens, pursuant to my order) will no doubt cause him additional anxiety, but I do not accept that it will impede to any significant extent the therapeutic work which can be done with him over the next two years or so, or his eventual rehabilitation. Concern is expressed for his mother and family (including his child) through fear of retribution, but they have moved away from the Telford area. Their well-being bears only indirectly on the defendant's own welfare, which is the primary consideration and the statutory test. It was Leo Pickford who took a knife to the scene and used it to inflict the fatal wounds; that is an important individual counterbalancing factor.

**Ronnie Bevan**

42. Ronnie Bevan is much the youngest of the three defendants, and I bear that firmly in mind. However, he initiated the violence which soon escalated to murder, and despite his young age he has much the worst criminal record. The separate s.18 wounding offence which he committed 11 weeks earlier was itself a very serious offence. It took place in broad daylight at

a local beauty spot with members of the public around. The circumstances make it another disturbing and unsettling criminal offence, particularly for people living locally. Feeling in the local community runs high as result of the murder. There is concern that his family may be the target of repercussions, and anxiety for his mother's safety may impact adversely on his mental health, as it has in the past. However, his family have moved away from the Telford area. There is no real suggestion that naming him publicly will impede to any significant extent the very necessary therapeutic and remedial work that needs to be done with him over the next 2 ½ years or so before he reaches the age of 18. I do not accept that this work, or his rehabilitation, would be jeopardised by naming him publicly.

### **Archie Pestridge**

43. Archie Pestridge is the oldest of the three defendants, now aged 16 ½. I bear in mind the marked improvement in his attitude and behaviour during his time on remand over the past 12 months. There is concern that his family, and particularly his younger brother, may be at risk if the defendant is publicly named. They still live in the Telford area. However, I note that they are looking to move away from the area in the near future. The fact that my order lifting the reporting restrictions will not come into effect immediately, but only if and when the appeals against conviction are dismissed, will provide the opportunity for the family to relocate if that is considered necessary. I do not overlook the additional anxiety and distress the defendant may experience himself from concern for his family if and when he is named publicly, but I do not accept that the necessary therapeutic work which is to be done with him over the next 18 months until he is 18 will be significantly impeded, nor his rehabilitation.

### **The public interest**

44. Turning to the public interest in reporting the identity of these juvenile defendants, the starting point is that the principle of open justice generally demands that the public should be informed of the identity of those who commit very serious offences, and none could be more serious than the offence of murder. Knife crime is endemic, particularly in the context of confrontations between teenage gangs. These defendants were even younger than many, which is in itself a worrying trend of considerable public interest. In a case such as this it is important that the public should be able to know what has happened and who is responsible. There is a deterrent element in the case being fully publicised. Those under the age of 18 - even as young as these defendants, aged only 14 and 15 at the time- who commit very serious offences, in this case murder, should not expect to be afforded anonymity.

45. The fact that defendants as young as this are likely to be named publicly if they indulge in knife crime, carry weapons and participate in gang-related murders, ought to be a deterrent to others who may be inclined to imitate them. That in itself is a legitimate public interest.
46. There is a very strong local public interest in the details of this case being fully reported, including the identity of the defendants. It is not correct to say that the public can be informed sufficiently of the issues of concern while maintaining the anonymity of the defendant responsible for a murder such as this. Such reporting needs to be as contemporaneous as possible with the outcome of the trial and sentencing, whilst events are fresh in the public mind.
47. For all these reasons, the current reporting restrictions under the s.45 orders will be lifted, but only if and when the appeals against conviction lodged by Ronnie Bevan and Archie Prestridge are dismissed.
48. Because there are a variety of ways in which those appeals against conviction could be dismissed, or treated as dismissed, the excepting direction will be in the following terms:

**This excepting direction will not come into force until the happening of the following events:**

- (a) the applications by Ronnie Bevan and Archie Pestridge for leave to appeal against conviction are refused by the single judge and not renewed in accordance with Criminal Procedure Rule 36.5, or having been so renewed are dismissed by the full court; or**
- (b) the appeals against conviction by Ronnie Bevan and Archie Pestridge are dismissed by the full court, or the applications or appeals are treated as dismissed under Criminal Procedure Rule 36.13(4)(c).**

49. The Registrar of Criminal Appeals will be made aware of this order, and will be able to confirm, on request, if and when the events in question have taken place, triggering the lifting of the s.45 orders.

Mr Justice Spencer

19<sup>th</sup> July 2022