JUDICIARY OF
ENGLAND AND WALES

Rex
-v-
David Smith

Inner London Crown Court
Sentencing Remarks of Mr Justice Bryan
26 May 2023

1. David Smith, you have been found guilty of the murder in 1991 of Sarah Crump. I must now sentence you for that abhorrent murder which was, I am sure, both sexual and sadistic in nature, and which culminated in you sexually mutilating her body having fatally stabbed her in the neck as she lay naked on her own bed. I make clear at the outset that it will be necessary for me to identify the nature of such offending as it is relevant to the minimum term I must set.

2. This is not the first time that you have been tried for that murder, having stood trial for Sarah Crump's murder at the Central Criminal Court in July 1993 before Mr Justice Blofeld and a jury, at the end of which you were found not guilty by the jury.

3. Nor is this the first time you have been found guilty of murder. Following a trial at the Central Criminal Court some six years later on 8 December 1999 you were convicted of the subsequent murder of a sex worker, Amanda Walker, in strikingly similar circumstances to your murder of Sarah Crump, with Amanda Walker's body also being sexually mutilated by you, for which you were sentenced to life imprisonment. No recommendation as to minimum term was made by the trial judge, although a minimum term of 18 years' imprisonment was set subsequently. You had not yet been released on licence for that murder when you were charged with Sarah Crump's murder.

4. The relevance of your conviction for the murder of Amanda Walker to the present trial is that it was one of the areas of new and compelling evidence that led to you again being charged, on 20 May 2021 with the murder of Sarah Crump, and that also led to the Court of Appeal Criminal Division ordering that you be retried for the murder of Sarah Crump, having quashed your earlier acquittal.

5. I am satisfied (as were the CACD before me) that the killing of Amanda Walker was an important element of a wider spectrum of evidence that reveals, indeed, it was the culmination of, an escalating pattern of, violent and sexual offending by you against, but not limited to, escorts and sex workers, which commenced with your conviction in respect of the knife-point rape in 1976 of a housewife in her own home, and in front of her young children, continued with your alleged attempted rape of an escort on 18 August 1991, again at knife-point (and of which you were acquitted at another trial in 1991) itself a mere 11

days before you murdered Sarah Crump, and culminating in your later murder of Amanda Walker on 24 April 1999 (which you continued to deny at trial, albeit that you ultimately admitted to such murder post conviction in a conversation with a prison psychologist).

6. The other aspects of the new and compelling evidence were an alleged cell confession (whilst on remand for the murder of Amanda Walker), not only to the murder of Amanda Walker but also to that of Sarah Crump (at a time before the double jeopardy law allowed you to be retried for such murder), and the elimination of many more (though not all) unidentified fingerprints at Sarah Crump's flat which had been a prominent feature of your previous trial.

7. I make clear that I am not sentencing you for your offending in respect of Amanda Walker (for which you are already serving a life sentence), nor for the alleged attempted rape of the escort on 18 August 1991. The former was an event in the future (and so of no relevance to setting the minimum term), and you were acquitted of the latter (although on the basis of the evidence heard before me I am in no doubt whatsoever that you did threaten that escort at knife point when she had attended at your chosen hotel to perform services as an escort, and that this encounter provides a chilling precursor to your murder of Sarah Crump).

8. Sarah Crump was 33 years old at the time of her death. She lived in a one-bedroom flat, that she owned, at 4 Joyner Court, Lady Margaret Road, Southall. She had qualified as a nurse, and had worked in a forensic psychiatric secure unit, but in 1991, and during the day, she worked at Wembley Hospital as a personal secretary in the chiropody department. She was a hard worker, and well liked at work, so much so that she had just been offered a permanent position. She had everything to live for. She had a steady boyfriend Mohammed Younis, who worked as a mini-cab driver, and with whom she was trying for a baby.

9. Sarah was, as everyone testified before me, desperate to have a baby with her boyfriend, but was having difficulty conceiving and was under financial strain to fund her IVF treatment. It was in that context, and unknown to her boyfriend and family, that she embarked on another side to her life in that, in the evenings, she worked from time to time as an escort, which involved her engaging in sexual encounters for money. She would receive male clients to her flat for that reason.

10. Sarah had the misfortune, whilst working as an escort, to meet a sadistic sexual killer in you when she invited you into her flat on the night of 28 August 1991. You had paid her £150, the going rate for sexual activity. There was no reason for the encounter to be anything other than consensual. You had, however, something very different in mind. I am in no doubt whatsoever that your premeditated and planned intention that night, having first armed yourself with a knife that you took to the scene, and having made sure that she was alone, was to kill, and sexually mutilate, an escort to satisfy your perverted, and sadistic, sexual desires.

11. No one but you will ever know the precise sequence of events in her flat that night, but sadly I have no doubt whatsoever that a time came when Sarah Crump realised that her life was in mortal danger and she must have experienced unimaginable terror as she realised what you intended to do. I say this because when she rang Lisa Pegg, the lady at the agency,

to say that you had left (a standard procedure for the safety of escorts who entertained in their own home as you well knew) she failed to give either her real, or working, name, and Lisa Pegg, looking back, considered that the call was unusual in that it was short and abrupt. Tragically she did not realise at the time what danger Sarah was in.

12. I am sure that you were still at the flat, and in all probability by this stage you had a knife out either to her neck (as with your earlier rape victim when you drew blood), or threatening her with it (as with the other escort 11 days earlier). Whether you had sex with her before or after death will never be known - you were to tell the fellow inmate at HMP Highdown to whom you confessed to killing of Sarah Crump and Amanda Walker that you liked to see girls flesh cut, and liked to see the blood coming out when you were having sex, and that in the case of Amanda Walker you had sex with her before you cut her and after you cut her.

13. What is clear is that a time came where you knifed Sarah repeatedly to the neck, severing her carotid artery and jugular vein, as well as knifing her through the heart, her aorta and her left lung. Mercifully death would have followed within seconds of you cutting her carotid artery. You cut around and removed her breasts, placing them elsewhere on the bed, and cut her abdominal area, removing a section of small bowel which you also placed elsewhere on the bed.

14. I am sure that you gave a truthful account of what you did, and why you did it, to Steven Williams your fellow prisoner in HMP Highdown which was set out in his statement as follows:-

> "He had told me that he was responsible for another murder, where he said he cut a woman's breasts off … He kept saying about how the blood actually came out and that it was really sexy and stuff. When he told me about this he showed me how he would cut around the breasts. He didn't tell me much about this incident other than that it was about seven years ago, that he was on remand for 18 months, that he went to the Old Bailey and that he walked. He said that they got no evidence on him and that he got away with it."

15. You used escorts frequently, particularly in the days and weeks leading up to your murder of Sarah Crump on 28 August 1991, and the jury heard evidence of the numerous escorts you visited in the weeks before the killing. Chillingly, although you previously booked escorts to visit your home address (using your real name), in the period immediately before the killing you changed to using aliases and arranging to visit escorts at their own home address, I have no doubt as part of a plan to attack and kill such an escort. You also, I am satisfied, invented a cock and bull story that you had previously been attacked by a man whilst attending the address of a previous escort as a pretext to telling that story to another escort (and indeed Sarah Crump) to obtain reassurance that they would be alone. At least one other escort had a lucky escape after being told just such a story and having arranged to meet you at her address but you did not go through with actually entering her flat. In the case of Sarah Crump not only did she confirm that she was alone after being told such story, but you also asked her if she accepted cheques (you knowing that you had no cheque

guarantee card) so that upon arrival you could scope out her flat to ensure she was indeed alone when she refused to accept a cheque without a card, before returning after obtaining cash from a cashpoint to her flat.

16. You also developed fascinations and obsessions with some of the women you met including a chatline operator in Manchester who you arranged to meet but who failed to show after she saw you, and did not like the look of you. Of more relevance is your relationship with a lady who you met in October 1989 at a naturist club in Kent called the "Eureka Club" who together with her husband became friends with you and who invited you, and others, back to their camper van in the woods by the club for casual, and unemotional sex, and you went on to have sex with her on a number of occasions including at her home. However you became infatuated with her. She had a breast augmentation operation and also had a hysterectomy, and she showed you her scars. Both a body map diagram, and actual photographs of those scars were before the jury. They bear uncanny similarities to the mutilations you performed on Sarah Crump's body. I have no doubt that this was no coincidence.

17. You have a history of escalating sexual violence against woman. As long ago as 1976 you committed a knifepoint rape against a housewife, in her home, in front of her young children (to which you pleaded guilty and were sentenced to 4 years' imprisonment). In 1987, a 30 year old female was the passenger in your mini-cab in the early hours of the morning. You failed to take her to her intended destination and locked her in your vehicle, and only released her after she screamed and attempted to kick out the car window (for which you received a 2 year suspended prison sentence for false imprisonment). Only 11 days before your murder of Sarah Crump, you had booked an escort to attend at the Retreat Hotel in Ashford. After she returned to your room after going to the bathroom, you locked the door behind her and approached her wearing disposable plastic gloves and wielding a knife with your trousers removed. She managed to escape and flagged down a police car. You were acquitted of that alleged attempted rape in 1991, but she gave evidence before this jury and I have no doubt that her account was a true one, and whether or not the acts you did were more than merely preparatory to commit attempted rape (or as she feared, murder) it was another instance of you wielding a knife with sexual violence in mind, and only days before you murdered Sarah Crump.

18. As I have already noted you were to go on, after your initial acquittal for the murder of Sarah Crump, to murder Amanda Walker, a sex worker who was working on the night of April 1999 on the streets of Paddington. That night you had been to a club "for the liberal minded" in Ilford where you were shown a dungeon in which you showed an interest in, and asked whether a hostess could be tied to a cross therein and have pain inflicted upon them to which you were told, "Definitely not, it's just the guests.' You were to say that you left feeling "randy". You picked Amanda Walker up from the street and took her to RHS Wisley (a location where you had previously watched couples having sex as a voyeur) where you had sex with her, mutilated her genitalia, and murdered her. Her body was not found for sometime and it was not possible to ascertain the cause of her death, but it was clear her murder was both sexually and sadistically motivated from the state in which she was found (and from what you said in your cell confession).

19. This time, however, your luck ran out. Not only did Mr Williams give evidence against you as to your cell confession to such matter (accompanied by graphic detail), but you left DNA evidence as Amanda Walker bit you, drawing blood as she fought in vain for her life. Of course you have subsequently admitted murdering her (thus corroborating the cell confession), though you still deny sexually mutilating her body (no doubt because you recognised, as did this jury, that this would have demonstrated the very tendency revealed by what you did to Sarah Crump).

20. It perhaps goes without saying but you are also a habitual and dishonest liar. Not only do you have previous convictions for uttering a forged instrument and convictions for theft by an employee and theft and obtaining property by deception, you lied and lied again throughout the trial of Amanda Walker (saying you had never even met her), lied about events at the Retreat Hotel shortly before Sarah's murder, and repeatedly lied to the police in your interviews about the death of Sarah Crump – initially, and repeatedly, lying that you had never been to Southall, and had never met Sarah Crump, before having to invent an incredible story (when trapped by the cashpoint evidence) that you attended her flat but only to have a massage (despite the evidence being that you frequented massage parlours for which the fee was £16-£20 yet paid Sarah Crump £150), alleging that you left her alive and well after which she was killed and mutilated by some random stranger despite it being 2am, and her being due at work at 6am. The jury were not deceived, and neither am I.

21. No sentence that I pass can ever compensate the family of Sarah Crump for their loss. No one present in court can but have been moved by the heartfelt victim personal statement from Sarah's eldest sister on behalf of the family that was read to the Court. It is clear that the loss of Sarah in such a way has had a profound effect on the family, and that her mother never recovered from the shock as to the manner of Sarah's untimely death at your hands. The family have been present throughout this trial through all the difficult and harrowing evidence rightly feeling that the case was so very important to pursue to finally see justice for Sarah.

22. I would like to commend them for the dignified manner in which they have conducted themselves throughout the trial. I can only hope that your conviction, and the sentence I pass, will provide them with some closure, safe in the knowledge that you have been brought to justice, and are likely to spend the rest of your life in prison, so that they can remember Sarah for who she was, the sister with the most amazing smile, the funny thoughtful aunt and the daughter who was, in their words, "one of the best three girls in the world" which is the fitting epitaph on her gravestone.

23. There is only one sentence that the law allows to be passed for the offence of murder, and that is a mandatory sentence of imprisonment for life. I must, however, go on to consider whether to make a whole life order or to make a minimum term order – that is a minimum term which you must serve before consideration is given by the Parole Board to your release. I must have regard to the general principles set out in Schedule 21 of the Sentencing Act 2020 when deciding whether to impose a whole life term or when fixing the minimum term which you must serve. In fixing the minimum term, I am required to have regard to the seriousness of the offence.

24. Your offence was committed before 18 December 2003. This makes a significant difference to the approach which I must take to sentence. Paragraph 12 to the Schedule 21 of the Sentencing Act 2020 requires me to have regard to, and to apply, the practice which would have been followed by the Secretary of State before December 2003 in respect of the term to be served in prison. The law prevents me from making an order which is greater than that which would have been imposed had you been convicted before December 2003. The purpose of such an approach is to ensure compliance with Article 7.1 of the European Convention on Human Rights that a heavier penalty shall not be imposed than the one that was applicable at the time the criminal offence was committed.

25. This principle, which I must follow, should be clearly understood. I emphasise it at this stage because, as will become apparent, minimum terms to be served before consideration is given to release on licence were in the 1990s and early 2000s, much shorter than would be ordered today, in 2023.

26. In deciding whether to impose a minimum term and, if so, the length of that term before any release on licence I am required to: first, assess the term to be served by reference to the contemporary principles set out in Schedule 21 Sentencing Act 2020. I must then identify the length of that minimum term before any release on licence as would have been determined by the Secretary of State before December 2003 by applying the relevant Practice Directions and other guidance available. If the minimum term to be served would have been shorter before December 2003, then I must apply that shorter term.

(1) The minimum term according to Schedule 21 of the Sentencing Act 2020

27. Schedule 21, paragraph 2(1) of the Sentencing Act 2020 provide as follows:

> "2 (1) If—
>
> (a) the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is exceptionally high, and
>
> (b) the offender was aged 21 or over when the offence was committed, the appropriate starting point is a whole life order.
>
> (2) Cases that would normally fall within sub-paragraph (1)(a) include—
>
> (a) the murder of two or more persons, where each murder involves any of the following—
>
> (i) a substantial degree of premeditation or planning,
>
> (ii) the abduction of the victim, or
>
> (iii) sexual or sadistic conduct,

…

(e) a murder by an offender previously convicted of murder."

(emphasis added)

28. It might, at first blush, be thought that paragraph 2(2)(e) of Schedule 21 applies to the facts of this case. The argument would be that the commission of two murders, separated in time, gives rise to the exceptional seriousness of the case, which is not reduced because of the sequence of commission or conviction. However, the Court of Appeal has considered, recently, in *R. v. Stewart* [2022] EWCA Crim 1063, the applicability of §2(2)(e) in the context of a case where the chronology is similar to that before the Court in this case (i.e. commission of murder 1, commission of murder 2, conviction for murder 2, sentence for murder 2, conviction for murder 1, sentence for murder 1). In that case, the Court of Appeal, relying on s.400 of the 2020 Act, concluded that murder 2 could not be treated as an "associated offence" when considering the first-in-time murder. In applying the provisions of Schedule 21, the Court is required to consider the seriousness of the offence before it (here, the Crump murder), without reference (at this point) to the second murder (here, the Walker murder) for which the defendant has already been sentenced (see at [42]-[44], supra). I am bound by *R v Stewart*.

29. It follows (as acknowledged by the prosecution) that the murder of Sarah Crump must be viewed in isolation from the later, second murder (of Amanda Walker) for the purposes of setting the minimum term. I confirm that I have consciously, and scrupulously, done so.

30. Truly horrific though the murder of Sarah Crump is, and putting out of one's mind the subsequent murder of Amanda Walker, it is not suggested that the seriousness of the offence is such as to justify a whole life order, and no such order is sought or suggested by the prosecution. I agree. In *R v Stewart* itself the Court of Appeal in identifying the applicable principles at [21] noted that it is a sentence of last resort for cases of the most extreme gravity which is reserved for the few exceptionally serious cases where the judge is satisfied that the element of just punishment requires the imposition of a whole life order. I am satisfied that the appropriate order in this case, as sought by the prosecution, is a minimum term order.

31. Paragraph 3(1) of the Sentencing Act 2020 provides as follows:-

"3 (1) If—

(a) the case does not fall within paragraph 2(1) but the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is particularly high, and

(b) the offender was aged 18 or over when the offence was committed,

the appropriate starting point, in determining the minimum term, is 30 years.

(2) Cases that (if not falling within paragraph 2(1)) would normally fall within sub-paragraph (1)(a) include—

…

(e) a murder involving sexual or sadistic conduct,"

32. In *R. v. Maynard-Ellis* [2021] EWCA Crim 317, the Court of Appeal considered the meaning of "sexual or sadistic conduct". In the first instance, the Court stated that whether an offence has a particular factual element is a matter for the evaluation of the trial judge, who has heard the evidence, both factual and expert. Second, the Court identified that sexual or sadistic conduct, which is what is required by paragraph 3(2)(e), is to be distinguished from sexual or sadistic motivation.

33. In *R. v. Daniel Walker* [2007] EWCA Crim 2631, the Court of Appeal held, at [26], that a murder involving "sexual or sadistic conduct" as "intended to cover circumstances where the acts which resulted in the death of the victim were sexual in nature or accompanied by sexual activity that increased the ordeal of the victim or the depravity of the murder, or both". However, in *Attorney General's Reference (No 68 of 2013*) [2014] EWCA Crim 125, Hallett LJ remarked that it would be wrong to elevate that statement into an "all-encompassing definition of what constitutes a murder involving sexual activity". In reality, the factual circumstances which engage this aspect of the schedule will be infinitely varied, and will include reference to, by way of example only: the purpose of, and motivation for, the killing; the nature of the sexual conduct; whether the conduct was planned and the timing of the sexual conduct relative to the death.

34. In the present case I am in no doubt whatsoever that the murder involved both sexual conduct and sadistic conduct there being, I am satisfied one continuum of events, you attending at Sarah Crump's flat with a knife, and having paid for sexual services, with the intention of gaining sexual gratification through the murder and sexual mutilation of Sarah Crump an intention that you carried into effect, all of which was consistent with, and set against the backdrop of, your escalating pattern of serious sexual violence against woman at knife point including, but not limited, to escorts and in the context of your interest in sadomasochism and cutting woman, including, but not limited to, their genitalia for your sexual gratification through inflicting pain, suffering, and humiliation upon them (the very definition of sadism). In this regard, in reaching my conclusion, I am also sure that:-

(1) Your violence and sexual activity was inextricably linked.

(2) Your violence was sexually motivated.

(3) You derived sexual pleasure from the acts of violence meted out to Sarah Crump. As already noted Steven Williams reported that you told him (as I am sure you did) that you were responsible for another murder where you "cut a woman's breasts off" and "kept saying about how the blood actually came out and that it was really sexy and stuff" which corroborates your sexual motivation for the murder and corroborates that everything you did (the murder and mutilation) was for you sexual gratification.

(4) The nature of such violence and mutilation by its very nature inflicts pain, suffering and humiliation.

(5) Whilst there is no positive evidence you did have sex with Sarah, there is nothing inconsistent with you having done so, and you had paid her £150 which is the amount charged for such sexual services and she was lying naked on her bed when you attacked and sexually mutilated her.

(6) You had planned to harm or kill a sex worker in August 1991, not only when you attacked the escort on 18 August 1991 whilst wearing gloves and brandishing a knife, and with your trousers off (evidencing a sexual aspect to the intended violence), but also through your changed modus operandi with use of aliases, and contrived story to ascertain whether escorts were alone (making five attempts to book the services of another sex worker using false names and phone numbers not attributable to you), all carried into effect, and fruition, in the case of Sarah Crump, your account that you attended there for, and only had, a massage, defying belief.

(7) As addressed in more detail below in the context of the aggravating factors, I am in no doubt whatsoever that, consistent with your modus operandi, you attended armed with a knife or knives, with a settled intention not only to kill but to sexually mutilate your victim whether before or after death, as you were later to do with Amanda Walker (and whilst that was a later event it is well-established that such matters are relevant to a propensity to commit such acts).

35. The defence do not engage, in their sentencing note, as to what the starting point would have been if committed after 18 December 2003, but do accept that, "it is clear that the killing of Sarah Crump was sexually motivated and involved post-mortem mutilation".

36. I am satisfied, for the reasons that I have given, that the appropriate starting point in determining the minimum term under the Sentencing Act 2020 would be 30 years.

37. It is then necessary to consider the aggravating factors of your offence (a non-exhaustive list of which is set out at paragraph 9 of Schedule 21). Notwithstanding the late (and valiant but ultimately misguided) submissions made in the defence supplemental sentencing note, I am satisfied that there are the following aggravating factors that necessitate a very substantial upward adjustment from such starting point:-

(1) Significant planning. I have already addressed this above. It included a change from using your own name to the use of aliases, the change to the use of sex worker's home addresses, your cock and bull story to ensure escorts were alone (and vulnerable) in their own home, your scoping out of other escorts in the preceding days, the not unsophisticated ploy to ask if Sarah Crump would take cheques knowing full well that you had no cheque guarantee card but that would enable you to scope out her flat, and taking with you (as I am sure you did) a knife or knives to carry through your fantasy to kill and sexually mutilate a sex worker (the carrying of a knife being part of your

modus operandi – as with the 1976 rape, the attempted rape on 19 August 1991 and your subsequent sadistic and sexual murder of Amanda Walker, it defying belief that you would plan to kill and mutilate a sex worker without taking with you the necessary weapon(s) to do so).

(2) The offence committed within Sarah Crump's own home where she was entitled to feel safe. This is an obvious point (though one denied by the defence). Everyone is entitled to feel safe in their own home, and it makes offending worse if that personal space is violated. Furthermore, to enter another's home under a false pretext (consensual sex for money), in effect by deception, when your true intention is to kill and mutilate in the victim's own bedroom (any person's sanctuary) is an obvious aggravating factor.

(3) Sarah Crump was a vulnerable victim by reason of her occupation as a sex worker and the offence also occurred at night. I reject the defence suggestion that Sarah was not a vulnerable victim. Vulnerability goes beyond statutory aggravating factors such as age or disability (see *R v Duncan* [2006] EWCA Crim 1576). A lone sex worker working alone in their own home, without anyone to protect her, allowing a complete stranger into their home (who may well have brought a weapon, or use his own hands as a weapon), and lying naked (and defenceless) on a bed with a total stranger is undoubtably particularly vulnerable. That is vulnerability in a very real and tangible sense, and one that was exploited by you in this case with fatal consequences. That the offending was at night is again an obvious aggravating factor (though again one denied by the defence). At night at 2am there are no people around, there is no one to cry out to, and one to hear one's cries, and anyone's vulnerability is increased, a fortiori when behind a locked door, in a private flat, to which no one has access.

(4) Use of a weapon or weapons, namely at least one knife, to commit the offence. This is an undisputed (and well-recognised) aggravating factor.

(5) Taking a weapon to the scene. I have already identified why I am sure that you took a knife or knives to the scene. You went there with the pre-planned and pre-meditated intention to kill and mutilate an escort involving the removing of her breasts and cutting her down below. Even in the abstract it would beggar belief that in the context of such planning that you would leave it to chance that you would find a suitable knife (for suitable knife it would need to be) in a kitchen that you were unfamiliar with to allow you to carry through your plan to remove Sarah Crump's breasts and disembowel her. Why leave it to chance after all that planning and with the intention you had in mind? But matters are not being considered in the abstract, as your very modus operandi was to inflict sexually motivated violence upon women at knife point with a knife taken to the scene, as you did in the 1976 rape, as you did on 18 August 1991, as you did with the murder of Amanda Walker (this latter knife carrying also suggests that you routinely carry a knife in circumstances where that murder would not appear to have been pre-mediated but a consequence of you feeling "randy" after leaving the club in Ilford).

(6) The depravity of your actions with sexual mutilation and defilement of Sarah Crump's body (this, at least, appears to be rightly accepted by the defence). It is a seriously aggravating factor. Such depraved conduct seriously aggravates the murder.

(7) Cleaning and washing at the scene (corroborated by the diluted blood in the bathroom) whereby you made concerted efforts (corroborated by the success of those efforts) to avoid leaving scientific evidence at the scene which might implicate you. It is neither here nor there that evidence of deliberate wiping of prints was not found (something of a contradiction in terms in any event). Given that your modus operandi involved the use of gloves and discardable ill-fitting/old clothes (per events only 11 days earlier on 18 August 1991 when I have no doubt you were again planning to kill and mutilate) the overwhelming likelihood is that you came prepared, equipped with gloves and clothes to be discarded (as on 18 August 1991) and taking obvious care as to what you touched (though you did touch items so your fingerprints ought to have been left) Given that no scientific evidence whatsoever was found at a murder scene that was repeatedly examined by skilled scene of crime and fingerprint experts, there must, in fact, have been cleaning by you. To suggest otherwise is neither a realistic suggestion, nor one that accords with the evidence before this jury as to crime scene analysis and the techniques used for lifting and identification of fingerprints that were well advanced in 1991. You, of course, had all the time in the world to do that which you needed to do at that crime scene, unobserved, and uninterrupted.

(8) A very substantial aggravating factor consists of your relevant previous convictions for violence and sexual offending (in circumstances where previous sentences for such offending had not deterred you from further such offending). In addition, this offence was also part of an escalating pattern of violent, and sexual, offending - a conviction for knife-point rape, and another for false imprisonment each demonstrating a propensity to detain women against their will in preparation for the use of (sexual) violence against them, with the even more recent attempted detention of an escort by you at knifepoint in the Retreat Hotel which was clearly sexually motivated (you had taken off your trousers) your intentions clearly being non-consensual and violent if not fatal (given that the escort was attending in contemplation of the possibility of providing consensual sexual services) so in using the knife and wearing gloves, your actions were in all probability a precursor for the events of 28/29 August 1991 in terms of what you intended to do to that escort at the Retreat Hotel.

38. Turning to mitigating factors (and the non-exhaustive list of mitigating factors in paragraph 10 of Schedule 21), these are thin gruel indeed.

39. You have shown no remorse whatsoever, you have put witnesses through reliving horrific events (I have in mind in particular the alleged attempted rape on 18 August 1991) and required witnesses to give embarrassing personal evidence as to their private lives in the past in a public forum (I have in mind in particular the lady you met at the Eureka Club) as well as subjecting Sarah Crump's boyfriend (who was thoroughly investigated and treated as a prosecution witness) to a cross-examination full of innuendo and inference, as you

sought to deflect the attention away from you to Sarah Crump's blameless boyfriend when you knew perfectly well that you were the murderer of Sarah Crump.

40. It is submitted on your behalf that the "killing … did not include the use of torture, or infliction of prolonged pain before death". Neither is a mitigating feature. Either would be a (significant) aggravating factor. Furthermore, and sadly, I do not accept that there was no pain or suffering before death. As already identified, and as corroborated by the nature of Sarah's Crump's conversation to the lady at the agency, I have no doubt whatsoever that a time came when Sarah Crump realised that her life was in mortal danger and she must have experienced unimaginable terror as she realised what you intended to do. As I have already found, I am sure that you were still at the flat, and in all probability by this stage you had a knife out either to her neck (as with your earlier rape victim), or threatening her with it (as with the other escort 11 days earlier) as she phoned the agency (when a fortiori she was taken by you to her bedroom thereafter given the location of the phone). The mental suffering she must have suffered as a result, and when she thereafter lay naked and defenceless on her own bed (for that is where you killed her) does not bear thinking about. How soon it was before you killed her thereafter, or what act or acts (if any) you inflicted upon her, at knife point, before death only you know. There is nothing by way of mitigation here.

41. Nor do I consider it a mitigating feature that whilst there was mutilation after death there was no evidence of an attempt to conceal the body, or dispose of evidence. First you clearly disposed of the knife or knives, which is disposal of evidence. Your suggestion that a bloodied knife or knives could have been there but missed on repeated forensic searches of the flat defies belief. This was not Inspector Clouseau but the forensic department of the Metropolitan Police with highly trained and qualified officers. Secondly, and whilst there was no scientific evidence of smearing/wiping of prints, there was cleaning and washing at the scene (diluted blood in the bathroom) whereby you made concerted (and successful) efforts to avoid leaving scientific evidence at the scene which might implicate you.

42. It is hardly a point by way of mitigation that you did not advance a false account, on oath, at trial before the jury in circumstances where you had lied and lied again in interview, you had put various witnesses through the ordeal of being cross-examined, and you could not possibly have entered the witness box without your evidence being eviscerated and your lies been paraded even more forcefully before the jury. You would also, no doubt, have given a perjured account had you given evidence (as you did in the Amanda Walker case when you did give evidence per your own subsequent admission to the psychiatrist).

43. You are now 67. There is no medical evidence before me that you have a diminished life expectancy. I am aware that you have limited mobility and take medication including pain medication which is, perhaps, not that unusual for someone of your age. It is well established that a person's age and any poor health and/or diminished life expectancy, and the prospect that a defendant will die in prison, are factors to be taken into account, but only in a limited way since they must be balanced against the gravity of the offence, the harm you have caused and the public interest in setting appropriate punishment for a serious crime (see *R v Clarke* [2017] EWCA Crim 393 at [25]).

44. I confirm that I am well aware of, and have had careful regard to, your age and your current state of health and the medications you are on including the additional matters of which I was informed of today. I also bear in mind that the offending took place many years ago, but I am satisfied that the prosecution has been advanced the case with due expedition following the new and compelling evidence, as has your trial since the quashing of your acquittal. It is also to be borne in mind that you have been a serving prisoner throughout this time.

45. I make allowance for your age and medical conditions and the fact that the offending took place many years ago (albeit you have not led a blameless life since having brutally murdered and mutilated another sex worker and been incarcerated out of harm's way ever since) but such allowance can only be limited having regard to the overall and principal purposes of sentencing in a case as serious as this (see *Attorney General's Reference (No. 14 of 2015)* [2015] EWCA Crim 949 at [16]; and *R v H* [2011] EWCA Crim 2753).

46. The mitigation available to you justifies a modest downward adjustment to take account of such mitigation, which adjustment I make.

47. I make clear at this point, although I address the submission in more detail when considering the actual sentence that I am going to pass, that I reject the submission made on your behalf that there should be some sort of comparison with the sentence passed in respect of the subsequent murder of Amanda Walker, or the respective features of such offending. As was made clear by the Court of Appeal in *R v Stewart*, the first murder must be taken in isolation from the later second murder of Amanda Walker when setting the minimum term as I have done. In any event I am sentencing you for the murder of Sarah Crump and the aggravating and mitigating features of that murder. It is no part of this sentencing exercise to pass comment upon, or analyse any sentence passed or recommendation made in relation to the murder of Amanda Walker.

48. Taking into account the aggravating and mitigating features of your offence in respect of the murder of Sarah Crump the appropriate minimum term (from a 30 year starting point) would be 36 years.

(2) What the Home Secretary's determination would have been

49. I then have to determine what the decision of the Home Secretary would have been at the time by applying the applicable guidance at the time. Before December 2003 minimum terms, then often referred to as "tariffs" or "punitive terms", were set by the Home Secretary following private recommendations from the trial judge and the Lord Chief Justice.

50. On 10 February 1997 a letter was sent by Lord Bingham to all judges who made recommendations as to the appropriate term in murder cases. That letter is unreported, but

is set out, almost in full, at paragraph 28 in *R v Sullivan* (supra) and is summarised in the CPD. That letter provided, amongst other matters, as follows:-

> "While I would not, therefore, wish to seek to bind trial judges in any way, I think it may be helpful to outline my personal approach. My current practice is to take **14 years** as the period actually to be served **for the "average", "normal" or "unexceptional" murder**. This is longer than the period (12 years) which Lord Lane took as his norm 10 years ago. I take this higher norm because I think the level of sentence may in the past, with some reason, have been considered too low; I think the recommended level has risen over the last decade; it is necessary to keep an eye, for the purposes of comparison, on sentences for other offences (such as the worst drug offences); and I think the deliberate taking of human life must continue to carry a very heavy penalty.
>
> I regard a number of factors as capable, in appropriate case, of mitigating the normal penalty. Without seeking to be comprehensive I would list the following factors:
>
> (1) Youth
> (2) **Age (where relevant to physical capacity on release or the likelihood of the defendant dying in prison);**
> (3) Sub-normality or mental abnormality.
> (4) Provocation (in a non-technical sense), or an excessive response to a personal threat.
> (5) The absence of an intention to kill.
> (6) Spontaneity and lack of premeditation (beyond that necessary to constitute the offence: e.g. a sudden response to family pressure or to prolonged and eventually insupportable stress).
> (7) Mercy killing.
> (8) A plea of guilty, or hard evidence of remorse or contrition.
>
> …
>
> Without again seeking to be comprehensive **I would list the following factors as likely to call for a sentence more severe than the norm**:
>
> ***(1)*** Evidence of a **planned**, professional, revenge or contract **killing.**
>
> ***(2)*** **The killing of a** child or a very old or **otherwise vulnerable victim.**
>
> ***(3)*** **Evidence of sadism, gratuitous violence, or sexual maltreatment, humiliation, or degradation before the killing.**
>
> **……**
>
> **(9) The use of firearms or other dangerous weapons, whether carried for defensive or offensive reasons.**
> (10) **A substantial record of serious violence**.
> (11) **Macabre attempts to dismember or conceal the body**

……

Whilst a recommendation of a punitive term longer than say 30 years will be very rare indeed, I do not think one should set any upper limit. Some crimes will certainly call for terms very well in excess of the norm."
(emphasis reflecting factors said by the prosecution to apply)

51. It will be seen, therefore, that the letter advocated 14 years as the "normal penalty" for the "average", "normal" or "unexceptional" murder before taking aggravating and mitigating factors into account. I consider that factors (1), (2), (3), (9) and (10) apply in this case, and whilst (11) does not apply you did sexually mutilate and defile Sarah Crump's body which is analogous (to the extent not already included within (3). Accordingly there are numerous factors calling for a sentence more serious than the norm. The only mitigating factor would be your age and likelihood of you dying in prison.

52. Further guidance was issued in July 2000 which also referred to 14 years as a starting point for adult murderers – *Practice Statement (Juveniles: Murder Tariff)* [2001] WLR 1655.

53. On 31 May 2002 the Lord Chief Justice handed down a Practice Direction for fixing the term for offences of murder committed after that date (*Practice Statement (Life Sentences)* [2002] 2 Cr App R 287, subsequently incorporated as part of the *Consolidated Practice Direction* [2002] 2 Cr App R 533. The murder here was committed before 31 May 2002 and therefore that Practice Direction does not apply. However, it is clear that the Practice Direction was not intended to and did not represent any change from the content of the letter of 10 February 1997.

54. In *Practice Statement (Life Sentences)* [2002] 2 Cr App R 287, subsequently incorporated as part of the *Consolidated Practice Direction* [2002] 2 Cr App R 533, Lord Woolf CJ gave guidance to be applied by judges in cases in which recommendations were to be made after May 31, 2002. Whilst that Practice Direction does not apply given the date of the murder under consideration, in that Practice Direction Lord Woolf CJ stated, amongst other matters as follows:-

"49.10. Cases falling within this starting point will normally involve the killing of an adult victim, arising from a quarrel or loss of temper between two people known to each other. It will not have the characteristics referred to in paragraph 49.13. Exceptionally, the starting point may be reduced because of the sort of circumstances described in the next paragraph.

49.11. The normal starting point can be reduced because the murder is one where the offender's culpability is significantly reduced.
….
[not suggested that any apply here].
…

49.13. The higher starting point [15/16 years] will apply to cases where the offender's culpability was exceptionally high or the victim was in a

particularly vulnerable position. Such cases will be characterised by a feature which makes the crime especially serious, such as:

a. the killing was 'professional' or a contract killing;
b. the killing was politically motivated;
c. the killing was done for gain (in the course of a burglary, robbery etc.);
d. the killing was intended to defeat the ends of justice (as in the killing of a witness or potential witness);
e. the victim was providing a public service;
f. the victim was a child or was otherwise vulnerable;
g. the killing was racially aggravated;
h. the victim was deliberately targeted because of his or her religion or sexual orientation;
i. there was evidence of sadism, gratuitous violence or sexual maltreatment, humiliation or degradation of the victim before the killing;
j. extensive and/or multiple injuries were inflicted on the victim before death;
k. the offender committed multiple murders.

49.14. Whichever starting point is selected in a particular case, it may be appropriate for the trial judge to vary the starting point upwards or downwards, to take account of aggravating or mitigating factors, which relate to either the offence or the offender, in the particular case.

49.15. Aggravating factors relating to the offence can include:

a. the fact that the killing was planned;
b. the use of a firearm;
c. arming with a weapon in advance;
d. concealment of the body, destruction of the crime scene and/or dismemberment of the body;
e. particularly in domestic violence cases, the fact that the murder was the culmination of cruel and violent behaviour by the offender over a period of time.

49.16. Aggravating factors relating to the offender will include the offender's previous record and failures to respond to previous sentences, to the extent that this is relevant to culpability rather than to risk.

49.17. Mitigating factors relating to the offence will include:

a. an intention to cause grievous bodily harm, rather than to kill;
b. spontaneity and lack of pre-meditation.

49.18. Mitigating factors relating to the offender may include:

a. the offender's age;
b. clear evidence of remorse or contrition;
c. a timely plea of guilty.

> 49.19. A substantial upward adjustment may be appropriate in the most serious cases, for example, those involving a substantial number of murders, or if there are several factors identified as attracting the higher starting point present. In suitable cases, the result might even be a minimum term of 30 years (equivalent to 60 years) which would offer little or no hope of the offender's eventual release. In cases of exceptional gravity, the judge, rather than setting a whole life minimum term, can state that there is no minimum period which could properly be set in that particular case.
>
> 49.20. **Among the categories of case referred to in paragraph 49.13, some offences may be especially grave. These include** cases in which the victim was performing his duties as a prison officer at the time of the crime or **the offence was a** terrorist or **sexual or sadistic murder** or involved a young child. **In such a case, a term of 20 years and upwards could be appropriate.**"
> [emphasis as to the factors said to apply by the prosecution]

55. A further practice statement issued in 2004 (*Mandatory Life Sentences (No.2))* [2004] 1 WLR 2551 described Lord Bingham's letter as the "best guide" for how to sentence old cases.

56. In R. v. *Sullivan* at [29], Lord Woolf, LCJ, stated:

> "Lord Bingham only identified two periods, a higher period than 30 years which would only be recommended in very rare cases and the 14 years "norm". He did not, in relation to the 14 years, explain what was an "average" or "normal" or "unexceptional murder", but an indication of what he was including in those terms is provided by his description of the factors he identified as being capable of mitigating and aggravating the normal period. In particular the reference included in mitigating factor (5) to the absence of an intention to kill and in mitigating factor (6) to lack of premeditation suggest that the 14 year period was intended to cover more serious murders, since if intentional and premeditated murders were not included (5) and (6) would be inappropriate mitigating factors."

57. In relation to the factors identified in Lord Bingham's 1997 letter, the prosecution submit that only the defendant's age is capable of mitigating the normal penalty and rightly identify that multiple factors attracting a higher starting point apply, namely (1) planning, (2) vulnerable victim, (3) evidence of sadism and gratuitous violence (and kindred behaviour in the form of sexual mutilation and defilement), (9) knife carried to scene for offensive purposes all apply, and that thus that the sentiments in paragraph 49.19 are apposite, "A substantial upward adjustment may be appropriate in the most serious cases , for example…if there are several factors identified as attracting a higher starting point present".

58. It is also clear from paragraph 49.20 that "among the categories of case referred to in paragraph 49.13 some offences may be especially grave. These include cases in which … the offence was … [a] sexual or sadistic murder … **In such a case, a term of 20 years and upwards could be appropriate**". (my emphasis)

59. The prosecution rightly submit that this was demonstrably not an average murder to which the "normal" penalty could be said to apply. Plainly, a substantial increase from the starting point (in the region of 14 years) is required to reflect the very large number of aggravating factors that were present as identified above. The factors identified in the Lord Bingham letter were not, and were not intended to be, comprehensive and I am entitled to have regard to all the aggravating factors I have identified. The prosecution submits, that this case can be regarded as "exceptionally serious" (albeit not within the Sentencing Act meaning of that term) and one which merits a minimum term far longer than an average or normal murder, in excess of 20 years and upwards.

60. The prosecution, also identifies that it is also necessary to consider whether this case is one of those "very rare cases" referred to in Lord Bingham's letter which merited a minimum term of 30 years or more, drawing attention to the content of paragraphs 49.19 and 49.20 of the Practice Direction (albeit that the prosecution does not go so far as to advocate the imposition of such a sentence).

61. For its part, the defence do not really engage with Bingham letter or the Practice Direction (perhaps for obvious reasons given their terms). Rather the defence invites the Court to "resist" the submission that the case ought to be regarded as "exceptionally serious" with a starting point, at the time, in excess of 20 years. This is hardly a ringing or forceful submission that such a term would not have been imposed.

62. The defence submits that the facts in respect of the Amanda Walker murder justified a higher tariff than the murder of Sarah Crump on the basis that the former lacked the mitigating features relied upon which apply in the Sarah Crump case, submitting that the judge in the Amanda Walker case in imposing a minimum term of 18 years placed the case outside of the remit of "exceptionally serious". It is also submitted that it would lead to an inconsistent outcome to elevate the sentencing starting point for the murder of Sarah Crump so far above that of Amanda Walker, and to do so would in effect be to seek to impose a higher sentence in light of what David Smith went on to do later in his life, an approach not consistent with the case of *R v Stewart*, supra.

63. The defence approach is, I am in no doubt, misconceived. My task is to sentence based on the offence that you have been found guilty of, namely the murder of Sarah Crump and the very substantial number of aggravating factors I have identified (as well as the mitigating factors such as they are, as already addressed), and without regard to the fact of the subsequent murder when setting the minimum term (per *R v Stewart*) and, equally, without regard to what sentence was passed on different facts, by a different judge, and in relation to a separate (later) murder which it would not be appropriate to take into account when setting the minimum term for the Sarah Crump murder. I confirm once again that I have put that later murder out of my mind when setting the minimum term.

64. Had it been appropriate to make a comparison (which it is not) I in any event disagree with the defence characterisation of the Sarah Crump murder. In contrast to the Walker murder, which appears to have been spontaneous after you left Ilford feeling "randy" looking for a sex worker on the street with whom to have sex with the murder only occurring when (per your account true or false) she suffocated as you had your hand over her mouth during sex, the murder of Sarah Crump was, I am satisfied, very much pre-meditated, and you had been planning such a murder and associated sexual mutilation for weeks as corroborated by the events to which I have referred, with you taking a knife to the scene to kill and mutilate her, and in addition Sarah Crump was brutally murdered and mutilated in her own home a further serious aggravating factor, and further distinction from the Walker murder.

65. The consideration of the minimum term is in one sense likely to be academic. Whatever the minimum term, and whether as advocated by the defence or the prosecution, or as passed by me, in all probability you will die in prison given your current age. However I must be true to the applicable sentencing principles and the seriousness of your offending in fixing the minimum term.

66. I am satisfied that your offence of the murder of Sarah Crump in 1991 with the very substantial number of aggravating factors that I have identified, and the available mitigation (such as it is), and applying Lord Bingham's letter and Lord Woolf CJ's guidance, is indeed an especially grave murder, being a sexual and sadistic murder requiring a sentence substantially upwards from 20 years' imprisonment.

67. The very substantial number of aggravating factors that I have identified (in addition to the sexual and sadistic conduct which, on the facts of such conduct in this case would itself have justified a sentence well in excess of 20 years) requires a significantly greater sentence than 20 years. I consider, having regard to the very substantial number of aggravating factors and the mitigating factors (such as they are), as already addressed in detail above, that your offending was so serious than in 1991 a minimum term of no less than 27 years was justified and required for what was the pre-meditated and pre-planned brutal murder of Sarah Crump a naked and defenceless woman in her own home, involving both sexual and sadistic conduct, with the sexual mutilation, and defiling, of her body in the most vile way imaginable by a convicted rapist with relevant previous convictions for violent sexual offending. It was a truly abhorrent murder and would have been regarded as such at the time by society, by a trial judge and by the Home Secretary. I am satisfied that any lesser sentence would not have reflected the seriousness of your offending against Sarah Crump, and would not have reflected the recommendation of a trial judge, or the decision of the Home Secretary in 1991 in respect of such abhorrent offending.

68. I turn to consider whether the seriousness of your offence was so serious as to amount to one of those very rare cases where a punitive term of some 30 years or more is justified, there being no upper limit.

69. I have given that serious consideration, but I have pulled back from reaching such a conclusion for the following reasons. First sentences of 30 years or more were very rare, and would have been reserved for exceptionally serious cases and sadly, heinous and

abhorrent though your crime was it is possible to envisage residual cases of even greater, and exceptional, seriousness so as to require such sentences. Secondly, in reaching the conclusion I have, I have had careful regard not only to the principles in *R v Sullivan* but also the cases, and associated sentences, there under consideration. Thirdly, I have taken the view that if there is any doubt in my mind as to the minimum term that would have been recommended in the 1991, I should err on the side of caution, so as to ensure that no heavier penalty is imposed than the one that would have been applicable at the time, so as to be compliant with Article 7.1 of the EHCR. That is what I have done in setting the minimum term at 27 years and no more.

70. Accordingly I am satisfied, and find, that the period which, under the practice followed by the Home Secretary before December 2003, the Home Secretary would have been likely to notify to you as the minimum period which in the view of the Home Secretary should be served before your release on licence is 27 years. That being lower than the minimum term I have identified under the Sentencing Act 2020 (had your offending occurred after 18 December 2003), I set the minimum term, in accordance with the principles in *R v Sullivan*, and Schedule 21 paragraph 12 of the Sentencing Act 2020, as 27 years subject to consideration of the time you have spent on remand.

71. It is common ground that you were remanded in custody in connection with this offence from 1 April 1992 (date of charge) until your acquittal at trial on 23 July 1993, a total of 479 days. It is also common ground that I should deduct that from what would otherwise be the minimum term.

72. In the current proceedings, you were remanded in custody from 8 March 2022 (date of the order of the CACD quashing the acquittal and ordering a retrial, and 26 May 2023 (date of sentence), a total of 444 days. However, you were a serving prisoner during this period, and continued (and continue) to serve your sentence for the murder of Amanda Walker after the expiry of your minimum term (parole having been refused in 2021).

73. In circumstances where you remain a serving prisoner, and continue throughout this period to serve your sentence for the murder of Amanda Walker I agree with the prosecution that you are not entitled to have such time from 8 March 2022 taken into account. Nor is there any substance in your additional argument that you should have taken into account time since the expiry of the custody time limit on 5 July 2022. First, this is an unattractive argument as you have throughout this period remained a serving prisoner and continue to serve your sentence for the murder of Amanda Walker throughout this time period. You have not been detained in prison by virtue of standing trial for the murder of Sarah Crump at all (the rationale for crediting time on remand). Secondly, no CTL extension has ever been opposed (and there could never have been any question of your release in any event given that you were serving a life sentence). Thirdly, there has never, in any event, been any relevant delay or any suggestion that this case has not proceeded to trial with due expedition having regard to all the factors that lead, and led, to this particular trial date being fixed in the normal manner and having regard to appropriate considerations. Fourthly, this trial has involved a consideration of many time periods of events each with their own evidence and witnesses which undoubtably will have required a great deal of preparation that will have been taken into account when fixing the trial date, and which will also have

necessitated a lengthy 5 week trial (which itself impacts on the trial date), it also being necessary that the trial take place within High Court term due to its gravity. Fifthly (and fundamentally) I am satisfied that there has been no delay whatsoever in this matter coming to trial, and matters have proceeded with due expedition throughout. There is, in all the circumstances, no justification for any part of this period being taken into account in setting the minimum term.

74. Accordingly the sentence I pass for your murder of Sarah Crump is life imprisonment with a minimum term of 27 years less 479 days, that is life imprisonment with a minimum term of 25 years and 251 days.

75. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period which cannot be reduced in any way. After it is served, there is no guarantee that you would be released at that time, or at any particular time thereafter. It is then only if the Parole Board decided that you were fit to be released that you would be released (after which you would remain subject to licence for the remainder of your life). It is in these ways that a life sentence protects the public for the future. I direct that a copy of my sentencing remarks accompany you to prison so that the Parole Board are fully aware of the seriousness of the entirety of your offending and its history. The reality is that you will, in all probability, die in prison, long before the minimum term is reached, as your counsel acknowledged.