



# Judiciary of England and Wales

**REX**

**-v-**

**SCARLETT JENKINSON**

**&**

**EDDIE RATCLIFFE**

**Manchester Crown Court**

**2 February 2024**

## **Sentencing Remarks of Mrs Justice Yip DBE**

1. Scarlett and Eddie, for Brianna's murder you are to be detained at His Majesty's Pleasure. As you know, that is a life sentence. I must also set the minimum time before you can be considered for release. But how long you will actually serve will not be decided today. You will only be released if, in the future, it is decided that you no longer present a danger. That decision will be for the Parole Board. If you remain a danger, you will serve very much longer than the minimum term and may never be released. But you are very young and it can only be hoped that you will work hard at your rehabilitation and overcome what caused you to kill so that you can be released one day.
2. Before I pass sentence, I need to explain how I have decided on the minimum terms. It will take a while to explain everything. You may not take it all in straight away but as soon as I have finished sentencing you, I will give your legal teams written copies so they and your intermediaries can explain anything you have missed.
3. Brianna was only 16 years' old when she was killed. She had her whole life ahead of her. Brianna had some struggles that made her vulnerable but she was supported by a loving family who wanted nothing but the best for her. Sadly, no one will ever know what she would have achieved in her life. Even though her life was so short, she made

an impact. Her family remember her for her laughter, for being full of life and as a good listener. Their loss is unimaginable but they have bravely and movingly painted a picture of Brianna in the statements read today. They have my deepest sympathy.

4. Scarlett and Eddie, you had been good friends from when you were 11. You were 15 when you killed. You, Scarlett, met Brianna when you moved school in October 2022. You got to know Brianna and she believed you were her friend. Brianna suffered anxiety and was nervous about going out, but on 11 February last year, you got her to meet you in Linear Park. For all her fears, she could not possibly have known you were a danger to her. But you two had been plotting to kill her and did so that afternoon.
5. I do not want to dwell on the murder itself, but it was brutal. The injuries, inflicted with the knife Eddie had bought a few weeks earlier, were awful. There were 28 deep stab wounds to the head, neck, chest and back, some causing bony damage showing considerable force was used. There were also other injuries, not themselves fatal but inflicted while Brianna was still alive. Defensive injuries to the arms show that she had tried to defend herself. One wound passed right through the upper arm and another left the wrist gaping open. There were other lesser stab wounds and cuts. Taken together, the injuries point to a sustained and very violent assault. Sadly, Brianna cannot have lost consciousness immediately and she must have been aware she was being attacked.
6. Murdering Brianna was a joint plan, which you carried out together. Both of you told lies to the jury, which they rejected. Scarlett, you make up stories. You blur the lines between fantasy and real life. When Dr Church saw you to prepare a report for today's purposes, you told him that Eddie had thrown Brianna to the floor and stabbed her three or four times, then panicked and said he did not want to kill her so you snatched the knife off him and did it yourself. You have repeated similar accounts to others but with variations. Today, I am told that you now say Eddie inflicted most of the wounds but you admit enjoying your part in the murder. The untested new accounts Scarlett has given since trial do not change my view of the evidence at trial, which is what I base my findings of fact on. It is simply impossible to believe any account Scarlett gives.
7. I am certain that at least some of the wounds were inflicted by you, Eddie. You had blood on your clothing as would be expected if you stabbed Brianna while she was already bleeding. Scarlett's jacket did not appear to have Brianna's blood on. In her pre-sentence report, she tried to explain that by saying it had been washed, but other evidence suggests otherwise. There was conflicting expert forensic evidence. I had the chance to assess that evidence. I have weighed it carefully, alongside the other

available evidence, including the messages that show that you, Eddie, were planning to stab Brianna with your knife. Beyond being sure Eddie inflicted some of the wounds, I cannot be sure precisely who did what. That does not matter for today's purposes. I sentence you on the basis that both of you played a full part in killing Brianna and both intended she should die.

8. I must follow the principles in Schedule 21 of the Sentencing Act 2020, with reference also to the guidelines for sentencing children and young people and those with mental and developmental disorders. I have treated each of you as individuals. I have thought about all the evidence I heard during the trial and the many reports I have read about you. This case is unusual and it has shocked the public. I have thought very carefully about the features that are relevant to sentencing.
9. One of the most important features is your age. The law recognises that children and young people are to be treated differently from adults. The minimum terms that I will impose on each of you will be much shorter than that which an adult would receive.
10. The messages you exchanged and the contents of the notebooks found in Scarlett's bedroom showed a clear plan to kill Brianna, and other people, and provide insight into your minds. Before reaching any conclusions, I have taken account of all the evidence. Individual messages cannot be viewed in isolation or out of context. The findings I make are those I am sure of.
11. You, Scarlett introduced the idea of killing people. At first, this was fantasy but it developed into something real. By January 2023, you had a real desire to kill someone, which you shared with Eddie, asking him to help. You had a list of people you wanted to kill, mostly people you did not like. You did like Brianna though, you were drawn to her. You thought she was different and interesting. You mentioned Brianna to Eddie and told him she was transgender. You talked of wanting to kill her. You tried to poison her by getting her to take ibuprofen tablets, which made her ill. You made a plan to kill a boy in Linear Park by slashing his throat and stabbing him but he did not respond to messages so you used that plan for Brianna. You knew she was vulnerable and needed friendship. You abused that. You were going to kill Brianna on 28 January, but her plans changed and she could not come. You made a new plan for 11 February, the day of the murder.
12. Your motivation, Scarlett, was to act out your fantasies. The messages show you wanted to make a real victim feel pain and fear. When Brianna did not come on 28 January, you told Eddie that you wanted her to die really badly and that you wanted to

see the pure horror on her face and hear her scream in pain. You suggested you wanted to keep some body parts, like a piece of flesh and an eyeball. Two days before the murder, you said you were excited. Afterwards, you sent messages to people drawing attention to the murder. You told Dr Church you were excited during the murder and that you found it satisfying. Brianna's injuries show that she was killed with exceptional brutality and the knife was used to inflict far more damage than needed to cause death.

13. You, Eddie, did not show the same interest in killing as Scarlett did, or at least I cannot be sure you did. In some earlier messages you tried to encourage Scarlett to think about other things. But as Scarlett's fantasies developed into real plans, you gave support and encouragement to her. The evidence shows that you were good friends and that you were able to question Scarlett and to say no to helping when it did not suit you. In some ways Scarlett looked up to you; she saw you as cleverer than her. You saw her as someone who could help you socially, particularly talking to the girl you liked. You seem to have seen Scarlett's plans as a project. You were happy to help carry out the plans when you had nothing better to do. You were not involved in the first effort to kill Brianna by giving her tablets but when Scarlett told you about that, you quickly offered suggestions about other ways to poison her. Scarlett was not the only friend you exchanged messages about death and killing with. You added details to Scarlett's plans, including the use of code words for when the attack was to start. The day before Brianna's murder, you asked Scarlett: "Have you asked it if it can go out tomorrow so we don't repeat last time?", suggesting you also wanted the plan to be carried through. It would be wholly wrong to treat you as being under Scarlett's control. I also reject the idea that you only helped so Scarlett would help with your approaches to the girl. On the other hand, I acknowledge that you were not the driving force behind the plan to kill Brianna; Scarlett was. In your untruthful account to the police, repeated at trial, you suggested Scarlett's motive related to her boyfriend. This was part of your attempt to distance yourself from the killing altogether, something the jury rejected. I reject your evidence and instead look to the evidence in the messages written at the time when considering the motives.
14. There is insufficient evidence to find that you, Eddie, were personally motivated by any sadistic desires. There is some evidence that you were upset after the killing. But you knew Scarlett enjoyed the thought of causing pain and fear. In some messaging, you even encouraged that, such as suggesting she could derive pleasure from watching

someone die by hanging. You did not know Brianna. You knew only what Scarlett told you. She said Brianna was transgender and sent you pictures of her. Your messages about Brianna were transphobic. You consistently referred to her in a way that was dehumanising, calling her “it”. You also described her as a “femboy thing”. When discussing killing Brianna, you agreed with Scarlett that she would be the easiest victim and said “and I want to see if it will scream like a man or a girl.” After the failed attempt on 28 January and in answer to Scarlett expressing her desire to see Brianna suffering, you said “Really all I wanted is to see what size dick it had”. Because Scarlett is an unreliable witness, I will not use her evidence that you “had a problem with” gay and transgender people against you. Nor will I dwell on the unpleasant messages about someone being gay and what you might do to them. But in your messages about Brianna, you undoubtedly displayed hostility towards her based on her transgender identity.

15. Your explanation is that you were just copying language used by friends, including Scarlett, to fit in. Throughout the messaging, Scarlett almost always referred to Brianna as a girl and used the pronouns she and her, so you were not following Scarlett’s lead. It may be that you picked up some of this language and the hostile views at school. But after considering all the evidence I have about you, I am satisfied that you are quite capable of holding your own views. I have now seen a great deal of expert evidence about you. For the record, I will upload to the Digital Case System a list of all the material I have considered. At an earlier stage in the proceedings, I had the advantage of hearing some evidence from Dr Crawford, the psychiatrist at your unit, and from Dr Bowers, a psychologist. I have also carefully considered the written evidence of Dr Diggle. I have paid close attention to your presentation during the trial. You were helped to give evidence in an unusual way by typing your answers because it was agreed you are selectively mute, not by choice. You coped well with giving evidence and were able to get across what you wanted to, including under cross-examination. Since you have been in custody, you have been diagnosed as having an autistic spectrum disorder, at the mild end of the spectrum. You showed signs of autism from a young age but you were able to attend mainstream school where you did well and were not considered vulnerable there. You had some friends. You had strengths and weaknesses. You liked to be seen as intelligent and had a real interest in science but you were socially awkward. Your mutism is apparently a reaction to the situation you now find yourself in and the severe anxiety that has followed. At the time of the killing, you were living

at home and were well-integrated at school. Looking at all the evidence (the expert reports as well as the evidence at trial), I am satisfied that your diagnosis does not explain the way you referred to Brianna, although it does have some impact for sentencing.

16. Using the table in Schedule 21 for young offenders, the starting point for those aged 15 or 16 at the date of offence is 20 years if the case falls into the category for which the adult starting point is 30 years. It is 17 years if the adult starting point would be 25 years. It is agreed by everyone that those are the two categories to consider.
17. Paragraph 3 of the schedule explains that a case will fall in the higher category if the seriousness of the offence is particularly high. It gives examples of cases that will normally be included in that category. It does not say they are the only examples of offences of particularly high seriousness, but this is a good guide to judges. Two examples are relevant here. They are: “a murder involving sadistic conduct” and “a murder that is aggravated by hostility related to transgender identity”. If I do not treat you as falling into paragraph 3, then the 17-year starting point applies because the murder involved a knife being taken to the scene. That was part of the joint plan and so applies equally to Scarlett as it does to Eddie whose knife it was.
18. The starting point I use is just that; it is not the end point. I then have to weigh up all the things that make your offending worse (what we call aggravating factors) and all those that count in your favour (mitigating factors).
19. Sadistic motives are not themselves enough to bring a case within paragraph 3. The test is “sadistic conduct”. Equally, the fact that there is some evidence of transphobia does not lead automatically to the higher starting point. Here it agreed that that the question is whether the murder was, at least in part, motivated by hostility to Brianna because she was transgender. My conclusions on these issues are important but they are not decisive because in the end, I am required to decide whether the offence is one of particularly high seriousness and then to put everything else into the balance to reach the end point, which is what you will be most interested in.
20. Scarlett, I have concluded that the primary motivation for Brianna’s murder was your deep desire to kill. The messages reveal your fantasies and show your sadistic motives. Brianna’s murder was exceptionally brutal. Your actions after the event and what you have told Dr Church confirm you enjoyed the killing. Taking all that evidence together, this was a murder involving sadistic conduct. Eddie, although your motives may not have been the same, you knew what Scarlett wanted to do and why. You understood

her desire to see Brianna suffer. You actively participated in this brutal murder knowing the sadistic motives behind it and you cannot avoid the same consequences just by saying you did not have the same desires.

21. I find also that you, Eddie, were motivated in part by hostility towards Brianna because she was transgender. You dehumanised Brianna by constantly referring to her as “it”. Your messages about wanting to see if “it will scream like a man or a girl” and “Really all I wanted is to see what size dick it had”, along with checking the night before the killing that Brianna was coming, show your own interests in killing Brianna, linked to your hostility towards her as a transgender person. Just as you knew of Scarlett’s motives, she knew of yours, although I cannot go as far as to say she used your transphobic attitudes to get you involved. I therefore find that you both took part in a brutal and planned murder which was sadistic in nature and where a secondary motive was hostility towards Brianna because of her transgender identity.
22. In any event, however it is analysed, I think it is plain that this was a murder of particularly high seriousness and that the part each of you played leads to the starting point of 20 years. Had I not reached that conclusion, I would have treated the sadistic motives and transphobic comments as significant aggravating features at the next stage. As it is, I will be careful not to double count things that have already gone into the starting point. There are many serious features in this case but they overlap and it would be wrong to treat each one as separately uplifting the minimum term. I also keep firmly in mind that you are very young and you must be sentenced with the hope (if not the immediate expectation) that you can one day be rehabilitated, however cruel that may seem to those who have lost a loved one.
23. Looking at aggravating factors, Brianna’s murder involved a significant degree of planning and premeditation, with more general plans to kill other people. The planning started with you, Scarlett, and it was you who brought Eddie in. But, Eddie, you joined in with the planning. I do bear in mind that, apart from the awful subject matter, the plans were in some ways quite childish. Scarlett’s notebooks were left where they could easily be found. But the extent of the planning, on any view, remains a significant aggravating factor for each of you. In your case, Scarlett, I have to bear in mind that you tried to kill Brianna by poisoning her. Although that does not apply to Eddie, you did encourage further attempts at poisoning although that did not happen. Both of you were involved in the failed attempt to kill Brianna on 28 January and persisted when that did not come off.

24. Brianna was vulnerable as described by her family, even if not strictly to be treated as vulnerability in the statutory sense. You picked Brianna because you both thought she would be an easy target. In doing so, you, Scarlett, abused her trust. She thought you were her friend. You encouraged her not to be anxious and guided her through getting the bus. Eddie, you knew Scarlett was preying on Brianna in this way, and so it aggravates your offending too, although perhaps to a lesser degree than Scarlett's. I recognise these features are part of the planning I have described and I avoid double counting but they are still matters to put in the balance.
25. I have taken account of the brutality of the killing and the use of the knife when assessing the starting point. I have also built in the sadistic motive and the transphobic hostility. All these things are very serious features but I have explained how they are linked and so they do not each call for separate additional uplifts. They do though have to be recognised in balancing the aggravating and mitigating features. Taken together they illustrate how serious this offence was, even in the context of other murders falling into the category I have identified.
26. The attempts to conceal evidence were not sophisticated and do not have any significant impact. Brianna's body was not concealed, probably because you were disturbed. I will not speculate as to what might have happened if you had not been. It is an aggravating feature that you committed the murder in broad daylight in a park when there were other people around, including a family playing hide and seek and lots of dog-walkers. It was always likely that other people would come upon the scene and suffer trauma, as happened.
27. In considering mitigation, I have considered everything I have read about you, including the pre-sentence reports. I bear in mind your previous good character, although this must be viewed in the context of very serious offending and the contents of the messages.
28. Within the 15-16 age range, there will be differing levels of maturity. I must look at your maturity while also thinking about any mental or developmental disorders which may have lowered your culpability, looking at the various reports on you both.
29. Scarlett, the assessment of your intellectual ability fits with other evidence that you were not mature or clever. You have some vulnerabilities. Since you were about 14, you have had problems with your mood, anxiety, self-harming and anorexia. Reports prepared before the trial suggested you had traits of autism and ADHD. Dr Church no longer thinks that applies. You have changed your account since the trial. You have



admitted taking part in Brianna's murder. You have said things about what you did and how you felt both to Dr Church and to others including the author of the pre-sentence report. You have lied so many times that it is impossible to know what is true and what is not. There are though worrying things in the recent reports. You have expressed the desire to kill again. If those thoughts continue, you will not be released. Dr Church's latest report will need to be retained on your file. It contains important information the Parole Board would need to consider. You have shown no remorse. Having now assessed you several times, Dr Church has diagnosed that you have a severe form of conduct-dissocial disorder, one of the features of which is having no empathy. Your lack of empathy does provide some explanation for how you could commit such a dreadful murder but, in my view, it does not significantly lower your culpability. There is no suggestion that you did not know that what you were doing was wrong or that you were unable to control your actions. You were able to plan in an organised way and had full awareness that it was criminal behaviour. In short, your diagnosed disorder did not drive your actions although it meant you did not have the "mental brake" that most people have to stop them wanting to harm others because that "feels wrong". It may not have felt wrong but there is no doubt you knew it was wrong to act as you did, and you chose to do so anyway. I take account of the diagnosis but, in my view, it offers limited mitigation. There are no other relevant diagnoses in your case but there are some concerns about your mental health and how you will respond after today, which those responsible for your care will no doubt note. Scarlett, it is clear that if you are ever to be released, a huge amount of work will need to be done with you first. But the hope remains that this can happen, and you should work hard on your rehabilitation.

30. Eddie, you have been described as extremely vulnerable. There are areas in which your functioning is like that of a much younger child. Your social skills are certainly not as developed as most people of your age. I have looked carefully at the limitations outlined by Dr Diggle but it is hard to view these limitations as significantly lowering your culpability for Brianna's murder. I should also say that my analysis of your offending differs in some important respects from that contained in the pre-sentence report. Ms Howarth has attempted to make sense of what you have told her, but you have not yet given a truthful account. I have found her report helpful though, reading it in the context of my factual findings. I bear in mind that it is difficult for a proper assessment to be made as to the impact of your ASD while you continue to deny what you did. But I am confident from all I have seen that you knew very well that what you

were doing was terribly wrong and that you were capable of saying no to Scarlett. Your autism cannot provide any real excuse for the offence. I do though recognise that some downwards adjustment is required in balancing against the aggravating factors to reflect that you are less mature than many others within the 15-16 age category and that your thinking skills are less developed in several areas. More generally, your ASD, severe anxiety and selective mutism has made your experience of custody more difficult. Despite this, Dr Crawford's latest report shows reasonable progress. You have managed to pass your GCSEs while in custody and to begin studying A levels and you have agreed to start speech and language therapy. Although you showed no remorse at trial or indeed today, the pre-sentence report showed some insight into Brianna's family's feelings. You told Ms Howarth "I wouldn't think that there is anything to say, because I'm certain that there is nothing either of us could say that would ever help them with their situation and would more than likely cause more pain." This is in fact quite a mature statement and one that may be built upon. I also find that it is consistent with my view that, despite the limitations identified in the expert evidence, you are capable of thinking about the consequences of your actions. Taking the evidence as a whole, I find that the impact of your ASD on your culpability is limited. I do not doubt that transferring to prison when you are an adult will be difficult; prison is more difficult for those who are neurodiverse. Your behaviour in custody has been good so far and it is clear from the pre-sentence report that there is hope that you may one day be rehabilitated. You must continue to work towards that.

31. I have weighed all the aggravating and mitigating factors that apply to each of you. Although I have taken the same starting point, I have concluded that the final minimum terms must be different. In Scarlett's case, the aggravating features are significant and would have led to a substantial uplift to the starting point but for the mitigation particularly that relating to maturity and mental disorder. There must still be an uplift but it will be moderated. In Eddie's case, I find that the balance to be struck between aggravating factors (which are not quite as high as in Scarlett's case) and the mitigation I have identified is such as to cancel each other out. In saying that, I have taken account of all the medical evidence and accept the diagnosis of ASD has some impact, but the extent to which it reduced your culpability in the circumstances of this offending is limited. This was undoubtedly a very serious offence with multiple aggravating factors. That is the context in which I impose minimum terms which are lengthy for offenders of your age, albeit significantly less than an equivalent sentence for an adult.

32. The Parole Board will have to decide if and when either or both of you can be released. That will only happen if you no longer pose a danger. If you are released, you will remain on licence for life and may be recalled to prison.
33. I will now sentence each of you, you may remain seated. In both cases, the relevant statutory surcharge will apply.
34. Scarlett Jenkinson, for the murder of Brianna Ghey, you will be detained at His Majesty's Pleasure. I set the minimum term at 22 years less the 352 days that you have spent on remand.
35. Eddie Ratcliffe, for the murder of Brianna Ghey, you will be detained at His Majesty's Pleasure. I set the minimum term at 20 years less the 352 days that you have spent on remand.
36. Please take the defendants to the cells and their legal teams will come to see them before they go to begin their sentences.