



IN THE CROWN COURT AT LEEDS

THE KING

v

MARCUS OSBORNE

SENTENCING REMARKS

The Honourable Mrs Justice Lambert DBE

1 March 2024

The provisions of the Sexual Offences (Amendment) Act 1992 apply to this case. Under those provisions, where a sexual offence has been committed against a person, no matter relating to that person shall during that person's lifetime be included in any publication if it is likely to lead members of the public to identify that person as the victim of the offence. This prohibition applies unless waived or lifted in accordance with section 3 of the Act.

1. In the early hours of the morning of 15 May 2023 you stabbed to death your former partner Katie Highton in the front hall of the house that you used to share with her at 92, Harpe Inge in Huddersfield. You then used Katie's mobile phone to lure her friend, Steven Harnett, to the house. When he arrived, you stabbed him to death also. Whilst you committed these murders, four children were upstairs in bed. Another female, who I will refer to in these sentencing remarks as "V," was also present in the house, having been held captive by you at knifepoint awaiting Katie's return. After killing Katie and Steven you went back upstairs with your knife to make sure that V did not raise the alarm or escape with the children. You spoke to her, and you spent time in the children's room. Later that morning, at daybreak, you raped V at knifepoint.
2. This short summary does not begin to convey the full horror of what took place in the house in Harpe Inge that night. These were brutal stabbings. You stabbed Katie 99 times

with the large knife you had taken from the kitchen. Her injuries included multiple disfiguring stab wounds to her face. You stabbed Steven 24 times and, as he lay dead or dying, you cut off his penis and part of his scrotum. You stripped Katie's body of all but her underwear which you pulled up so high that her genitalia was exposed. You arranged Steven's clothing so as to expose his genitals and torso. You positioned both bodies side by side in the living room, spreadeagled, and placed Steven Harnett's severed penis on his abdomen. Throughout all of this activity you kept V captive and in fear for her life, and more importantly for her, in fear of the lives of the four children who were in the house. She describes you washing yourself between killings, laughing and jeering at what you had done as you scrolled through Katie's social media accounts and played voice messages from her phone between her and Steven. You told her you would "*slice her throat*" if she did not comply with your demand that she got undressed before you raped her, telling her that it was going to be the last time that you had sex in a long time. Shortly before 9 am you asked a neighbour to come to the house to have a look. You showed her the two bodies. It was, the neighbour said, as though you were proud of what you had done.

3. Katie Highton was 27 years old when she died. I have heard powerful evidence from her father and her mother of their loss. She was much loved by them, by her children and by her wider family which has been shaken to its very core by her death and its horrific circumstances. She is described as a kind and compassionate woman, a close friend to her mother and the apple of her father's eye. Steven Harnett was 25 years old when he died. His mother tells me how her world has come crashing down since his death and she remains haunted by the knowledge of what happened to him. He was clearly a very loving son and a very loving father to the young child whom he has left behind.
4. On 15 May 2023 you pleaded guilty to the murder of Katie Highton and the murder of Steven Harnett. You pleaded guilty to the false imprisonment of V and to her rape. I must now sentence you for these offences and I do so on the basis of facts of which I am certain, having read the material available to me and having heard submissions on behalf of the Crown by Mr Sandiford KC and on your behalf by Mr Elvidge KC.

The Facts

5. You were in a relationship with Katie Higton for around 5 years. You had two children together and you lived as a family with Katie's two children from an earlier relationship. Shortly before Katie died, she gave a witness statement to the police (on 11 May 2023) in which she described the relationship. The relationship had been good to start off with, but around two years in, you started to become verbally abusive towards her and her children. You began controlling what she wore and what she did. If things were not done exactly as you wished, you would become verbally abusive, and the verbal abuse quickly turned into physical abuse.
6. The physical abuse became more frequent and less predictable over time, but the last straw was your assault on Katie on 28 April 2023 following an altercation about one of the children. You hit her around the head, you pushed her to the ground and kicked her about the ribs. The physical attack continued upstairs when you punched her about the head and face. Katie spent the next few days in bed unable to move. By 2 May, Katie was well enough physically to leave the house and she moved in with a relative until 12 May.
7. Katie changed her Facebook status to single. She declined a large number of messages and phone calls from you. On 10 May you exchanged Snapchat messages with Katie in which she told you she did not wish to see you. You responded with the message that if you found out that she was "*even messaging anyone else... I will end u fully.*" At 13.15 on 10 May, she went to the police station in Huddersfield to make a complaint about you and an arrangement was made that she would be visited by a police officer at 8 am the following morning. Later, on 10 May, she called the police to tell them that you had been in contact with her and had threatened to slit the throats of her and her children. When she was seen the following morning at 8 am, she told the officer that, whilst she did not believe that you would hurt the children, she did believe that if she did not go back to you, you would seek her out and seriously hurt or kill her. In her statement she recorded this: "*He has said that if I ever get another boyfriend, he will kill us both.*"
8. On 12 May you were arrested and interviewed on suspicion of domestic violence and coercive and controlling behaviour. You were released on bail with conditions not to

attend the house at Harpe Inge. Katie and the children therefore moved back into the house.

9. Over the course of the next two days, you kept watch on the house in Harpe Inge. You used one of your neighbours to find out whether Katie was in or out. On 14 May, you were in the street watching the house or spending time with neighbours. During the evening you were spotted hanging around the street and looking towards Katie's house. At half past nine Katie left the house by taxi to go to the cinema with Steven Harnett, leaving V at home babysitting the four children. Shortly after midnight you took a taxi from your home to Rawthorpe Lane and from there you made your way to Harpe Inge.
10. At some point after midnight V became aware of a figure at the door of the bedroom in which she was lying. She saw the outline of a knife. Straightaway she knew that it was you. She challenged you and told you to get out. You struck her with such force that she fell onto the wardrobe hitting her head and knocking her unconscious. When she regained consciousness, you were pacing the room. V's mobile telephone rang. It was Katie. You held a knife to V's neck insisting that she tell Katie to come home. After the call you took her phone and the children's phones so that V was unable to summon help.
11. When Katie arrived, you ran downstairs armed with the knife. V heard Katie tell you to get out of the house, but you had already started stabbing her before she had even got through the front door. You inflicted 99 single, or groups of, knife injuries. Many of those stab wounds were to the chest, penetrating the lungs on both sides. Other internal organs were injured, including the spleen and kidneys. You stabbed her buttocks and there were 26 incisions to Katie's face. You used substantial force. One stab wound cut through the 11th rib, and another cut into the breastbone. This was a merciless and sustained attack on a woman who was completely defenceless. I accept the Crown's submission that some of the injuries which you inflicted on Katie were intended to disfigure her as well as kill her.
12. Some of this attack was witnessed by V from the top of the stairs. She saw you holding Katie with one hand, and with the other, stabbing her. She heard you say to Katie: "*do you think you are funny. I warned you I was going to kill you. You are a slag... this is your fault that this is happening.*" As V shouted to you to stop and made to come down

the stairs you told her to shut up or she would be next. The last time V saw her, Katie was on the floor in the hallway saying that she could not breathe. The screaming woke the children and V had to comfort them and tell them not to leave their bedrooms.

13. When you came upstairs you said to V, “*she is going to die on her own, the bitch. Ste’s next.*” V pleaded with you to be allowed to go downstairs to be with Katie, but you said to her that: “*she is going to die on her own and you are going to sit up here, knowing that the bitch is going to die on her own.*”
14. You washed your hands and changed your clothes. You told V that you were going to kill Steven Harnett because you knew that something had been going on between Steven and Katie. So, using Katie’s mobile phone you then lured Steven to the house, sending messages purporting to be from Katie. You even used Katie’s taxi app to book a taxi to bring Steven over. You sent a message to Steven purporting to be from Katie telling him to come in through the side door into the kitchen.
15. Upon entering the kitchen, you attacked Steven with the kitchen knife. You inflicted 24 injuries, 13 stab wounds, 6 incised wounds and 5 superficial knife tip injuries. The most significant of the injuries was the stab wound to the right side of the chest penetrating the lung and causing a large wound to the aorta. This was a lethal injury and death would have followed very shortly after it was inflicted. During your attack on Steven, you cut off his penis so that it was almost completely detached from his body connected only by a thin strand of connective tissue. The incision extended around Steven’s scrotum and both testes were exposed. Examination of the body after death showed that this injury was inflicted at, or around, the time of death albeit unconscious.
16. After killing Steven, you returned upstairs. You told V that Steven’s death had been “*quick and easy*” and “*that’s him dead.*” You likened them to Romeo and Juliet saying that they can “*fucking die together now can’t they.*” You said that Katie had put up a better fight than Steven. You told V that you done what you set out to do and that the “*bitch would not be doing this again.*” You appeared calm and were laughing as you listened to the voice notes exchanged between Steven and Katie on her mobile phone.

17. At some point you went downstairs and moved the bodies into the living room. When the paramedics arrived, they found that Katie's body had been stripped naked save for her underwear which had been pulled up so as to expose her genitalia. Her body was arranged in what was described by the paramedic as a star fish position with legs apart and arms away from her body. Steven's body was by her side. He was also placed on his back in a star fish position. His severed penis had been placed on his abdomen. It appeared to the paramedic that both bodies had been cleaned to a certain extent.
18. V remained in the bedroom petrified that she or the children would be next in line for your murderous assault. V is not sure what time you came back into the bedroom and raped her. She remembers only that the birds had started to sing. You came in wearing your shorts and started to attack her. She was told to shut up or her throat would be slashed. You said: "*this is happening, I will slice your throat if you scream. This is the last time that I will have sex in a long time.*" You raped her to the point of ejaculation. The incident lasted about 5 minutes. It was rough and very painful for V. The knife remained by your side on the bed throughout. A child was asleep on the other side of the bed.
19. After the rape, you ran V a bath, but she refused. You took the bath yourself. V remained in the house unable to get away through fear of her own safety and of the children. You made contact with a neighbour, and you suggested that she come round and have a look. When you opened the door, the neighbour saw the blood in the hallway. You showed off the bodies in the living room as if, said the neighbour, you were proud of what you had done. You told them that you had "*done it*" and that you knew that you were going down for murder, but you needed to sort some stuff out. When you heard the sound of the police arriving at the house you ran away later turning yourself in to the police station where you were interviewed under caution but made no reply.
20. A forensic examination of swabs taken from Katie's body at the post-mortem examination was undertaken. Your semen was found on swabs taken from Katie's high vaginal area and from her vulva. Your semen was detected towards the front of the crotch of Katie's knickers. I will return to the significance of these findings in due course.

The Starting Point

21. The sentence for murder is fixed by law and it is one of life imprisonment. That is the sentence which I impose. But I must determine in this case whether I should impose a whole life order as submitted by the Crown or, whether I should impose a minimum term as submitted on your behalf. By “whole life order” I mean that you will remain in prison for the remainder of your life. By “minimum term” I refer to a minimum term which you must serve in prison before consideration is given to your release by the Parole Board.
22. Schedule 21 of the Sentencing Act 2020 sets out at section 2 that, if the court considers the seriousness of the offence (or the combination of the offence and offences associated with it) to be “exceptionally high” then the appropriate starting point for sentence is a whole life order. Paragraph (2)(a) provides that when an offender murders two people and any of the three criteria identified is satisfied in respect of both murders, then a whole life order would be the normal starting point. One of those criteria is when both murders involve sexual or sadistic conduct.
23. Schedule 21 also sets out that if the court considers that the case does not fall within the category of exceptional seriousness but that the seriousness of the offence or the combination of the offence and one or more offences associated with it is “particularly high” then the appropriate starting point in determining the minimum term is 30 years. Cases that would normally fit within this category include a murder of two or more persons, or a single murder involving sexual or sadistic conduct.
24. The Crown submits that both murders involved sexual conduct. It submits that the seriousness of the murders is exceptionally high. In these circumstances, the normal starting point for murders of exceptionally high seriousness should apply, that is, a whole life term. Mr Elvidge on your behalf submits that neither killing was sexually motivated and neither involved sexual conduct. He submits that the starting point should be a minimum term of 30 years custody although he concedes that this term may well be substantially increased to reflect aggravating factors.
25. In determining the appropriate starting point I first consider whether either or both of the murders involved sexual conduct. In *R v Walker* [2007] EWCA Crim 2631 the court

said at [26] that the phrase was intended to cover circumstances where the acts which resulted in the death were sexual in nature or accompanied by sexual activity that increased the ordeal of the victim or the depravity of the murder or both. But as Hallett LJ remarked in *AG Ref No 68/2013: R v Nelson* at [22] it would be wrong to elevate that statement into an “*all-encompassing definition of what constitutes a murder involving sexual activity*”. She emphasised that each case would turn on its own facts. She underscored the importance of considering the evidence as a whole. Mr Elvidge endorses that approach and submits that conduct embraces all of the activities that occur. In this context I make the following findings.

26. First, the motivation for both killings was sexual in nature. Both murders were driven by your sexual jealousy arising from Katie Higham’s decision to start a new relationship with Steven. I do not accept that the murders are explained by your entrenched insecurity about being abandoned or rejected as a result of a neglected childhood as Mr Elvidge submits. You killed Katie and Steven because you believed that they had started seeing each other and that their relationship was an intimate one. This conclusion is borne out by the text messages between you and Katie including your threat to her on 10 May that if she as much as even messaged someone else you would “*end her fully.*” She reported to the police that you had warned her that if she ever got another boyfriend, you would kill them both. You told her that she must delete Steven from her social media, or you would “*fuck him up.*” Even as you were killing her, you told Katie: “*I warned you I was going to kill you. Who’ve you been with? You’re a slag. I warned you; this is your fault this is happening.*” After you had killed Steven, you told V: “*Romeo and Juliet they can fucking die together now can’t they.*” You told V that you had done what you set out to do and that the “*bitch won’t be doing this again.*” These statements do not suggest that you were enraged just because Katie had finally left you, although no doubt that was part of the explanation. Your primary reason for killing them both was because Katie had started a sexual relationship with another man, and you were pathologically jealous of that sexual relationship.
27. Second, both of these murders involved overtly sexual acts by you. You mutilated Steven’s body by cutting off his penis to emasculate him. I am sure that you also engaged in sexual activity with Katie when she was dead or dying. The Crown is right to accept that the deposits of your DNA in the areas of Katie’s high vagina and vulva

and on her underwear are not decisive of your having had sex with Katie on this occasion. The expert evidence from Dr Bird explains that, after intercourse, your DNA might remain in the high vaginal area for up to 10 days (maximum). This means that had sexual intercourse taken place between you both during the ten-day period before the swabs were taken (at post-mortem on 17 May) then it is possible that your DNA might remain in the high vagina and might have drained on to the vulval area and the newly purchased underwear. But I must evaluate this scientific evidence in conjunction with all of the other evidence in the case including, importantly, the messages which passed between you and Katie and between Steven and Katie between 7 May and 14 May when you murdered them.

28. From those messages it is clear that by 7 May Katie had already started a relationship with Steven. Their social media messages are warm and intimate and continued to be so until the evening before their murders. Their sexual interest in each other is apparent. Whilst the text messages reveal her developing relationship with Steven, they also reveal her hostility towards you and her determination to end her relationship with you. She declined to accept a very large number of calls from you. Such dialogue as there was between you both was insulting. On 8 May she expressed her frustration to Steven that, even though she had separated from you, you were still trying to control what she did. On the 10 May, Katie sent a message telling you to leave her alone and that she did not want to see you again after "*all the abuse.*" She accused you of being a freak. By 10 May of course she had already gone to the police in order to report your abuse and threats.
29. In the context of the growing relationship between Katie and Steven and Katie's obvious hostility towards you, it is to my mind inconceivable that consensual sexual intercourse took place between you both between 7 and 14 May. Katie wanted nothing to do with you. Furthermore, there is no mention in the social media dialogue of your having had sex together and I am sure that had you done so, one of you would have mentioned it. Likewise, if you had raped her on any of the occasions upon which you met to collect or return the children then I have no doubt that this would have featured in her messaging with family or in her report to the police. I am sure therefore that the presence of your DNA in Katie's vagina, on her vulva and on her underwear was

because you had intercourse with Katie as she lay dead or dying or you penetrated her body with something resulting in semen being deposited inside her vagina.

30. Your sexual abuse of Katie's body is consistent with your conduct generally that night. Everything that you did was motivated by sex and your need to degrade and sexually humiliate. You cut off Steven's penis, no doubt to mark his emasculation. You spread eagled the bodies in the living room. Both had their genitalia exposed. Steven's severed penis was placed on his lower abdomen. This display was intended to be seen, not just by the emergency services who would eventually arrive, but by a neighbour who had been in a relationship with Steven. You raped V at knifepoint in an ordeal lasting several minutes and during which you ejaculated. Your sexual abuse of Katie's body is a part of that conduct. Given all that you did that night it would be, if anything, surprising if you had not defiled her body in this way.
31. These murders in my judgement undoubtedly involved sexual conduct. The test is a broad one and I must take into account all of the evidence. I regard it as wholly artificial in this case to seek to make distinctions based upon the precise timing of particular sexual acts when the whole course of conduct you engaged in that night was motivated by sexual preoccupations and has a number of individual sexual acts at its core. To seek to judge the gravity of Katie's murder by reference to the time interval between death and sexual conduct would defy common sense and justice.
32. It follows from these conclusions that the murders of Katie and Steven would normally be considered to be of exceptionally high seriousness and attract a starting point of a whole life order before consideration is given to aggravating and mitigating factors. Mr Elvidge emphasises however that it does not follow inevitably from a finding that the murders involved sexual conduct that the starting point is a whole life term. The statute sets out only that this would be the normal consequence. In accordance with the relevant sentencing guidelines, I take into account your guilty pleas at this stage. I also take into account the other offences of which you are convicted: paragraph 2 of Schedule 21 requires me to consider whether the murders and other associated offences in combination are of exceptional seriousness.

33. I acknowledge that your guilty pleas to all offences at an early stage is a mitigating factor. Katie and Steven's families will have known that they were to avoid the ordeal of a trial. This must have been some comfort for V who would have known that she was not going to be required to re-live her experience in court. By your guilty pleas you have accepted what you have done and have accepted responsibility for your crimes. Mr Elvidge submits that the Sentencing Guideline: Reduction in Sentence for a Guilty Plea, sets out the strong policy reasons why a guilty plea amounts to mitigation. I accept this, of course. However, throughout that night you knew that your actions would lead to your incarceration. There was no element of subterfuge about your offending. As you said to her, you raped V because you knew that it would be the last time you would have sex for a long time. You were proud of what you had done and what you were doing. Your jeering comments to V, your messages to the neighbour telling her that Katie and Steven should "RIP" and your display of the bodies all demonstrate that you were proud of what you had done and were obtaining gratification from telling others what you had done. I see your guilty pleas in this light. I accept that your guilty pleas amount to mitigation, and I take them into account, I am not persuaded however that those pleas should lead me to impose a starting point other than a whole life order.
34. Your false imprisonment of V and her rape were very serious offences justifying a substantial custodial sentence in their own right. Mr Elvidge submits that the rape falls (at least) into harm category 2 and culpability B of the relevant Sentencing Guidelines with a starting point of 8 years imprisonment and a sentencing range of 7 to 9 years. However, three of the category 2 factors are present. This was a prolonged detention in which threats of violence (at knifepoint) were made and it involved the uninvited entry into the victim's home (or equivalent). Whilst it is difficult to isolate the impact of the rape upon V from the impact upon her of witnessing Katie's murder, in my judgement the rape falls into the category 1 harm. There are a number of serious aggravating factors. Assuming the imposition of a concurrent sentence for the false imprisonment, the rape would attract a sentence in the order of at least 15 years custody before reduction for a guilty plea. You are entitled of course to a reduction of one third for your guilty pleas.

Aggravating and Mitigating Factors

35. I must take into account any aggravating and mitigating factors. There are no mitigating factors in your case other than your guilty plea which I have already addressed. There is no psychiatric or other evidence which has been placed before me to explain or understand your actions. There are however numerous aggravating factors which I now set out.

36. You have a substantial criminal record. You are now aged 35. You have 12 previous convictions for 27 offences.
 - a. In March 2008 you were sentenced to a term of detention of 7 years for drug related offences, for robbery and attempted robbery.

 - b. In June 2011 you were sentenced to a term of imprisonment of 16 weeks for common assault against your former female partner towards whom you had behaved in violent and controlling way.

 - c. In January 2013 you were sentenced to a term of imprisonment of 54 months for causing grievous bodily harm with intent. The victim was your then female partner whom you assaulted, apparently because she was texting people on her phone. You punched her to the ground and then repeatedly kicked her in the head and bounced her head off the wall. You grabbed her around the throat and squeezed until she thought that she was going to pass out. Later, when she confirmed to you that the relationship was over, you attacked her again, pulling her across the room by her hair and slamming her head against the wall.

37. Other aggravating factors include that these offences were committed whilst on police bail following Katie reporting you on 10 May 2023. They involved a degree of planning and preparation. Your previous behaviour towards Katie is rightly accepted by Mr Elvidge to be an aggravating factor.

38. As for the mental and physical suffering which you inflicted, I do not need to dwell upon the suffering which you caused Katie nor the mental and physical suffering which you inflicted upon Steven. I do however need to dwell upon the anguish which you

caused V. It started from the moment that she saw your shadowy figure at the bedroom door holding a knife; you forced her to encourage Katie home fearing your murderous intent; you deprived her of the chance to be with Katie as she lay dying downstairs; you taunted her and, of course, you brutally raped her. Perhaps worst of all you made her put her own safety and that of the four children who were in the house in the balance against the safety of Katie. The anguish which you have caused her, and with which she still lives, is unimaginable.

Sentence

39. Taking the case as a whole therefore I am wholly satisfied that the appropriate and just disposal in this case is the imposition of a whole life order for each of the murders which you committed. I reach this conclusion fully aware that such a disposal is a rare one and reserved for only the most extreme cases. I have taken into account your guilty pleas to all offences, your unsettled childhood and all that has been said on your behalf by Mr Elvidge. But I do not consider that this is a borderline case. I am in no doubt. This is a case of such exceptional seriousness that even a very long minimum term would not amount to just punishment. What you did that night was horrific.

For the murder of Katie Higton: the sentence of the court is one of life imprisonment. I impose a whole life order.

For the murder of Steven Harnett, the sentence of the court is one of life imprisonment. I impose a whole life order.

For the associated offences of the rape of V and for her false imprisonment I impose sentences of 10 years on each, both to run concurrently and, obviously, concurrent with the whole life orders which I have made. I impose a Sexual Offender Notification Requirement

The victim surcharge will apply.