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(1) Benjamin Atkins and

(2) Debbie Pereira

Sentencing remarks

1. Simon Shotton was 49 years old when he was murdered. He leaves behind his children, his parents and his sister, left to mourn his premature death. It is particularly sad as he has had little contact with some of his family members recently. By dying so suddenly, there was no chance for them to be reunited before his death and his loss will feel all the greater.
2. Simon struggled from an early age, but did his best to overcome issues and was always a hard worker – taking agency, fairground and warehouse work when he could. He did his best to keep in touch, especially with his mother and sons. But for many years his life had been blighted by drug and alcohol addiction and an inevitably chaotic lifestyle.
3. We have heard the moving statement of Wesley, who was 19 years old when you took his father from him. He describes what a loving father Simon was, doing the best he could for his children in the circumstances. Although he was not always present in their lives - he tried to shield his family from his addiction

and life struggles - he kept in touch as regularly as possible and tried to provide for them. The times they spent together were very special and fun-filled, especially if they involved motorsports or cars or motorbikes of any kind in fact. Simon had wanted to turn his life around for his family, but, tragically, it was just too hard.

4. It was a notable feature of this case that all the witnesses who knew Simon spoke of his warmth and kindness and no-one had a bad word to say about him. He was described as a lovely guy, just trying to do his best. Unfortunately his addiction to heroin and crack cocaine led him to crime to pay for his habit and, as is so often the case, he was used as a runner by drugs gangs. When he was released on licence from prison in Norwich in September 2022 the prison and probation service recognised his vulnerability. He had drugs debts and was being threatened with violence if he did not repay. Of course he had no means of paying the money back and he was re-located to Dorset on his release. It is not clear how much support he received from the probation services when he came back to the South West. They knew that he was homeless at first and then living in a derelict hotel, but he maintained his appointments with them and his probation officer was able to build a rapport with him.
5. By the late spring of 2023 he had relapsed into drug use and then drug running for a county line in order to obtain drugs for himself. He was made to work 12 hour days, street dealing, being carefully controlled by those higher up the chain. He was being paid in drugs, not money, so there was no realistic prospect of him getting out of the cycle of drug abuse. The probation service were unaware.

6. When he was evicted from the derelict hotel in early August 2023, you both agreed that he could sleep in a tent in the garden of your flat, Ms Pereira, at 18b Aylesbury Road in return for him supplying you with £40 worth heroin and crack cocaine daily. He occasionally stayed on the sofa in the sitting room and was allowed to use the kitchen and bathroom, but you told him not to come back during the daytime.
7. Within 2-3 weeks he was murdered in your house by you Mr Atkins while Ms Pereira hid in the bedroom.
8. Initially the arrangement worked. You were receiving free drugs without having to score on the street and Simon was provided with an address. But arguments flared up. You, Mr Atkins, borrowed money off him which you did not return. It was Ms Pereira who paid him back in order to try to keep the peace. Behind Ms Pereira's back you Mr Atkins threatened Simon into giving you extra drugs on the side in addition to the agreed amount. The leverage, or blackmail threat, for that is the proper name for it, was to report Simon's drug dealing to his probation officer which would result in his being returned to prison in breach of his licence. Although no blackmailing texts were found on your phone, the evidence of Donna Maguire and the text exchanges between Simon and Rafal Krasinski was compelling.
9. A further source of tension was the way that you both used him in the power dynamic within your relationship, Simon was distressed by your, Mr Atkins, at times verbally abusive and bullying behaviour towards Ms Pereira. Ms Pereira you had successfully drawn Simon into taking your side, but ultimately your loyalty lay with Mr Atkins. The atmosphere in the flat was becoming extremely

tense. It was a small 1 bedroom flat with the three of you leading chaotic, drug and alcohol fuelled lives.

10. On the night of 17-18 August 2023 the rows between the three of you were intense as is evidenced by the text messages from Simon to his friend Donna Maguire. He was scared and trying to find somewhere else to stay as he realised it was no longer safe for him at your house.
11. All three of you took drugs that night. When those ran out and you both wanted more, you stole the remaining money from Simon's wallet – Mr Atkins taking the money while Ms Pereira distracted him - and you both went off to score more drugs at around 4.30am. Simon discovered the theft and rang you as you were returning home at just before 7am to ask for it back. He was understandably angry. You laughed at him Mr Atkins and brushed it off. When you returned with the drugs you did not share them with Simon, but went off into the bedroom to take them by yourselves.
12. Simon was waiting to be picked up by the drug dealer he worked for and urged him to come as quickly as he could as the situation was deteriorating. The text message exchange is revealing. There is no doubt that Simon was angry with you, but there is also fear and he wanted to leave your house just as quickly as he could. He cut your TV cable so that you would discover it after he had left.
13. After you had both taken drugs in the bedroom, you went into the utility room Mr Atkins and a fight broke out between you and Simon. We do not know exactly what happened, where the knife came from, who had it first, even what knife it was since you disposed of it after the killing. The jury rejected your plea of self-defence which means that you were either the aggressor all along, or that you went over the top in self-defence. I must give you the benefit of the doubt in

accordance with the criminal law. It is therefore necessary to examine the evidence with some care to establish the facts. The cutting of the TV cable is a non-confrontational passive-aggressive act, but Simon must have used something sharp, scissors or a knife in order to sever the cable. You have both lied consistently in your evidence and you have colluded in your false accounts. However Ms Pereira, your description of the fight between Mr Atkins and Simon starting because tempers had riled up, has a ring of truth. I therefore find that I cannot be sure that you started the fight Mr Atkins.

14. Nor is it possible to determine which of you held the knife first – both of you had injuries to your hands consistent with defensive acts so both of you may have held the knife at different points during the fight. The walls of the utility room were splattered with blood from both of you. In the past Simon had resorted to violence to resolve disputes and has bladed article convictions. He might have acted pre-emptively out of fear and anger at your stealing from him and threatened you with a knife on this occasion. You may have been acting in self-defence initially. I therefore assume that your murder of Simon was in excessive self-defence, you did not have a knife with you and you were not the aggressor from the beginning.

15. But the violence that you then inflicted on Simon was ferocious and unnecessary. You must have quickly disarmed him and you used extreme violence against him in the counter attack – wholly out of proportion to the threat he posed to you. He posed little threat in fact, he was weak with exhaustion from being worked so hard by the drugs gang, had COPD, was in pain and had restricted use of his right arm and you were the far stronger of the two of you. Those who saw him in the days before he died commented on how tired and

unwell he looked. He received several knife wounds to both his arms and hands from trying to defend himself and he had 12 sharp force wounds to his torso, shoulder and back. You admitted that the final blows that killed Simon were inflicted when you were on top of him and stoved his head in with a speaker several times, after you had gouged his eye out with your thumb. He was no threat whatsoever to you at that stage as well you knew. You told Ms Pereira that his last words were "Help me" but instead of helping him you killed him with the speaker. The pain he suffered must have been unbearable. You gratuitously told Ms Pereira that he had "pissed himself" as he died.

16. Ms Pereira was hiding in the bedroom for most of the time and did not take part in the fight.

17. Neither of you called an ambulance. You assumed he was dead, left him on the floor and smoked the remains of whatever scrapings of drugs were left in his crack pipe. A few hours later you took his possessions to sell, and with the rest of his money that you had stolen from him earlier, went off to buy more drugs. After you had taken those drugs, you went back to Cash Creators with his bike and his phone to sell those too, for yet more drugs. You had found his PIN number and Ms Pereira it was you managed to register the phone to your account to hide the fact that it was stolen.

18. The next day you shoplifted a hacksaw together and with quantities of cleaning products cleaned up the flat and dismembered his body. Ms Pereira you played no part in dismembering Simon, but you enabled and allowed Mr Atkins to do that in your flat. It was also you who did the bulk of the cleaning and you did a pretty thorough job as the utility room had been covered in blood. I did not accept your assertion that you had only a tiny role when the cleaning was so

thorough and you are fastidious about cleanliness. Mr Atkins you took a less traditional approach to cleaning by trying to paint over the blood stained walls with magnolia paint given to you by a neighbour. The cleaning took place over a number of days.

19. Mr Atkins you dismembered Simon's body mainly in the utility room. You consulted an anatomy book and set about it systematically. First you chopped off Simon's head and say you cannot remember if he was lying on his front or his back when you did so. Then you turned him over and severed both legs at thigh level and then cut off his arms.
20. You made a fire in the garden and burnt your clothes and tried to burn his head. Neighbours described the awful smell – like nothing any of them had ever smelt before, it is still lodged in their olfactory memory – that lasted for several days. At times you used a fire accelerant. You tried to explain the terrible, putrid smell away to neighbours by saying you had cremated a dead fox.
21. You told us that you tried to burn his head first because it was the smallest part of his body, but when you realised how long it would take and how hard it was, you thought of a different method of disposal for the rest of Simon. You wrapped up the remaining body parts and took his legs to the shrubbed area behind the Zigzag Path above Boscombe beach and left each in a different part. 2 days later you put his torso in a suitcase and hid it in Boscombe Chine Gardens. leaving only the arms remaining in the flat or the garden.
22. Even after you were caught literally red handed with Simon's arms, 13 days later on 1 September 2023, you refused to tell the police where you had hidden the rest of Simon's remains. I accept that Ms Pereira did not know what you had done with the body parts. But your refusal, Mr Atkins, to say anything meant

that 3 police forces had to be deployed to search the area and Simon's torso was not found until 6 days later. You did not say what you had done with Simon's head until 18 February of this year, shortly before trial. Only tiny fragments of Simon's head were found in the alleyway you identified. You have never said what you have done with the rest of his head. Your account that his teeth and the rest of his skull burnt in the fire and crumbled to ash with the touch of a trowel was utterly implausible. We have heard this morning of the additional distress caused to Simon's family from knowing that parts of their father's body has not been found.

23. Ms Pereira you were a joint participant in what happened to Simon's body, even though you did not hold the saw or use the knife to dismember his body or conceal his body parts round town.

Debbie Pereira

24. Ms Pereira, you are 38 years old. You have described an abusive and loveless upbringing after being adopted by your aunt as your mother was very young when she had you. You were subjected to physical abuse by your adoptive father and sexual abuse from his friends from a young age and it was your step-siblings who received the family's love and affection. You have had a cycle of abusive relationships with men and were introduced to heroin by a partner when you were 29 years old. You had called the police out many times in the past for domestic violence with previous partners although not in relation to Mr Atkins. You have stated how much you loved Mr Atkins and felt that it was a genuinely mutually supportive and loving relationship which was different to your previous relationships. But there was control and domination of you by Mr Atkins.

25. You have 2 children now aged 19 and 16 with whom you have intermittent contact.
26. You have been supported to get clean of drugs on many occasions. You were doing well until Mr Atkins came back into your life when he was single again. You had previously met in rehab. You allowed him to move in with you, knowing that it was not permitted by the housing association and it was you who first relapsed into class A drug use on top of your methadone script. Although Mr Atkins was never physically violent towards you, he was, at times, emotionally manipulative and had the more dominant personality, but I do not accept that you had no agency in the relationship and were as powerless as you now try to present. From the CCTV footage you appear as affectionate equals. He followed you into relapsing into class A drug use.
27. You were the one who could sort out Simon's phone to sell and had the account at Cash Creators. In many ways Mr Atkins relied on you and you had strength in the relationship. You, like Mr Atkins, are also manipulative and you used your looks and superficial charm to achieve your aims with Simon and some of your neighbours.
28. Your mental health is not robust however and you have been diagnosed with PTSD, OCD and have issues around food.
29. You pleaded guilty to count 3 only after you conceded that you had no defence, after hearing all the evidence.
30. At times you were kind to Simon and sometimes took his side when Mr Atkins argued with him and you tried to be a peacemaker. But you also made him a player in your relationship with Mr Atkins. You were an enabler to Mr Atkins and by unburdening yourself to Simon you passed the weight of your troubles onto

him and did not offer reciprocity. You have a strong streak of narcissism. The remorse you purport to express is not genuine but is self-pity for the situation you find yourself in. The focus of your attention was always yourself. It was a telling observation when you said that the reason why you showered before going out to sell his possessions after Simon had been killed and his body was lying on your floor was your concern you were sweaty and might smell.

31. You have many previous convictions (12 convictions for 19 offences) but none are relevant for the purposes of sentence.

Ben Atkins.

32. You are now aged 49. You too have many previous convictions (16 convictions for 26 offences) but none that are sufficiently recent or relevant to affect sentence.

33. You also described an unhappy childhood with a violent step-dad, not thriving at your school in North Oxford. You described yourself as a casualty of the 90s rave culture when you became addicted to hard drugs. You took the death of your grandmother hard, but managed to get clean and trained as a carpenter. Like Ms Pereira you have had periods of relapsing followed by abstinence throughout your adult life and drink heavily as well as abusing drugs.

34. You made contact with Ms Pereira after you had split up with a partner in Bristol and came to see her in Bournemouth moving in almost immediately. You would have known that she had her own flat then from her postings on Facebook. You had children in the area but have little contact with them.

Sentence

35. Although Ms Pereira is first on the indictment, I will deal with you first Mr Atkins. As you know, the sentence for murder is life imprisonment. The court is also

required to specify the minimum term of imprisonment which you will be required to serve by reference to Schedule 21 to the Sentencing Act 2020.

36. I do not accept the prosecution submission that this was a murder for gain. You had already taken the cash Simon had on him several hours before you killed him and to put it bluntly, a dead person can no longer be blackmailed. Nor was it premeditated.

37. As will be apparent from my summary of the facts, the appropriate starting point for your offence is 15 years. Paragraph 5 applies since none of paragraphs 2(1), 3(1) nor 4(1) to Schedule 21 apply.

38. However 15 years is the starting, not the finishing point and the court's next task is to consider any aggravating and mitigating features that apply.

39. The aggravating factors include your treatment and exploitation of Simon before his death. Simon was not an equal in your home and vulnerable to some extent.

40. The most serious aggravating factor is your dismemberment, concealment and disposal of Simon's body after you had killed him. The dismemberment and disposal of the various parts of Simon's body was particularly gruesome and took place over a number of days. Your callousness was shocking. You still refuse to say what happened to the rest of his head.

41. You also used your influence on Ms Pereira to help with the clean up operation afterwards which is also an aggravating feature.

42. The mitigating factors are your lack of premeditation – I accept that you formed the intent to kill at or shortly before the time of killing - and that you may have initially acted to some extent in self-defence. A number of factors undermine your mitigation. Firstly, the ferocity of your attack which fell so far outside the bounds of self-defence; secondly, by your own admission you intended to kill

Simon. Thirdly, even if he had started the fight, Simon's fear of violence from you was real and on the facts of this case there is only a hair's breadth between an unjustified pre-emptive strike and legitimate self-defence. I have given you the benefit of the doubt, but the distinction between attack and defence on the facts of this case is hard to discern.

43. I am grateful to you counsel Mr Ali drawing my attention to *R v Ibe* [2009] EWCA Crim 1489 and *R v Dunkley* [2015] EWCA Crim 330, but neither are directly comparable. I remind myself of the observation of Hughes LJ (as he then was as VP CACD) in *R v Ahmed* [2012] EWCA Crim 251:

“Concealment of the body is one of the aggravating factors listed in paragraph 10 of schedule 21 to the 2003 Act. We regard this as the most serious of the aggravating factors. The disposal of the deceased's body will have caused and will continue to cause very great pain and distress to the deceased's family.”

44. In this case, the several grave aggravating factors of Simon's body being not only concealed, but also dismembered and disposed of over a considerable period of time, combined with Simon's vulnerability and your exploitation of him in your home and the ferocity of your attack, and selling his possessions, must be balanced to reflect that he may have started the violence and produced the knife and your lack of pre-meditation. It leads to an overall upward adjustment of **4 years**, and a minimum term of **19 years**.

45. I shall reduce the length of the minimum term by the 326 days that you have spent on remand since you were arrested so that the minimum term takes account of the entire period of your incarceration in respect of this offence. With arithmetic, the minimum term of **19 years** is therefore **18 years and 39 days**.

46. It is important that you and everyone concerned with this case should understand what this means. The minimum term is not a fixed term after which you will automatically be released. It is the term that must be served before the Parole Board can undertake their first review of the case. They will review the risk that you present at that stage and will consider whether you can properly be released from custody subject to licence and, if so, on what terms.
47. If you are released you will be subject to licence for the rest of your life. If for any reason your licence is revoked, you will be recalled to prison to continue to serve your life sentence in custody.
48. It follows that unless and until the Parole Board consider that your release is appropriate you will remain in custody.
49. For perverting the course of justice, where there are sentencing council guidelines, this case falls into the most serious category for both harm and culpability, A1. The starting point is 4 years with a range of 2-7 years. There is some overlap with the aggravating features of the murder itself – the terrible desecration of Simon’s body after his death, but also the disposal and sale of his possessions, the clean up operation and all the other steps you took to hide the fact of his murder. You are entitled to 25% credit due to your guilty plea at the plea and trial preparation hearing. If this was a stand alone offence the aggravating features would take the sentence to above or beyond the top of the range, but in deference to the totality principle, if you had not pleaded guilty the sentence would be **7 years**. After deducting your credit for plea, the sentence would be 63 months (5 years and 3 months), to be reduced to **4 years 9 months** for totality to be served concurrently to the life sentence.

50. For count 3, preventing a lawful burial, for which there are no guidelines, this is a serious offence which, save in exceptional circumstances requires a custodial sentence. It involves a serious affront to public standards of decency (see *R v Russell* [2023] EWCA Crim 1080 @ 24). I sentence you to **12 months**, reduced from 16 months to take account of your guilty plea, for count 3, to be served concurrently.

51. You will be required to pay the statutory surcharge of £228.

Debbie Pereira

52. Ms Pereira, you are to be sentenced for counts 2 and 3 and you are not guilty of Simon' murder.

53. You were a joint participant in perverting the course of justice. Over a 2 week period you went along with it. You knew Simon' body was being chopped up in your utility room, you not only allowed Mr Atkins to use your flat in this way, you took active steps in a number of ways to help him. You helped get rid of and sell Simon possessions, trying to dispose of and profit from the evidence. You acted as decoy when Mr Atkins stole the hacksaw in Wilko's which you knew was to cut up Simon body. Although you did not go into the garden, you knew that Mr Atkins was trying to burn parts of Simon's body on the fire and that his chopped up remains were on your property. It must have been you, not Mr Atkins, who did the thorough cleaning getting rid of all the blood in the property which must have taken many days. I do not accept your evidence, repeated to the probation officer that it was just one dab at a bloodstain. You and Mr Atkins discussed your cleaning role in the police van and your concern, 2 weeks after

his death that there might still be Simon's blood under your fingernails. Yours was a secondary, but not a minor role.

54. The harm caused by this offence is the highest level, at the very top of category 1 because of the extent of the desecration of Simon's body and the serious distress caused to his relatives. There was also a serious impact on the administration of justice with 3 separate police forces being diverted from other duties to search for Simon's remains. The effect of the crime on the wider community is not to be underestimated. Imagine knowing that body parts have been hidden in various parks and residential areas in your town that slowly come to light. As a consequence of the help you gave to Mr Atkins' parts of Simon have never been found.

55. As to culpability, the underlying offence of murder was the most serious and comes within category A. There was also an element of abuse of trust given Simon's weak position as your paying guest and your conduct took place over a period of 2 weeks.

56. I accept that there the nature of your conduct was unsophisticated which is a factor in category C. Although Mr Atkins was the dominant partner in the relationship, but you did not lack entirely agency and went along with it. There was minimal coercion. You were in it together before and after Mr Atkins had killed Simon. Without your help Mr Atkins could not have done what he did. You could have called the police at any time. When you were a victim of domestic abuse you had no difficulty in calling the police to help you, but you did nothing to help Simon. Perhaps if you had called the police when you saw the fight happening, or an ambulance, Simon might still be alive.

57. I therefore place your culpability on the cusp of categories A and B. The starting point for category 1A offences is 4 years with a range of 2 – 7 years, and for category 1B the starting point is 2 years with a range of 1 – 4 years.
58. A number of aggravating factors apply. Simon was a vulnerable victim and you committed the offence whilst under the influence of drugs. As to mitigation, the fact that you were in a lesser role has been taken into account in not placing your culpability firmly in category A. A mitigating factor is the degree to which you were under Mr Atkins' influence and there was an element of control in the relationship, but not to the extent that you portray, but it does enable me to reduce the sentence from the 5 years it would otherwise require.
59. I have also considered the sentencing council guidelines on sentencing and mental health disorders and the psychiatric reports, but do not find that your culpability is reduced on account of your personality disorders.
60. The pre-sentence report records that you have done well in prison in remaining abstinent from drugs and your mental health has also improved.
61. Taking all those factors into account I sentence you to **4 years** immediate custody. The time you have spent on remand will be deducted from your sentence. You will serve half your time in custody and may be released on licence at the midway point to serve the remainder of your sentence in the community. For Count 3 I sentence you to **14 months imprisonment** to be served concurrent to count 2.
62. You will be required to pay the statutory surcharge of £228.

Commendations

63. This case was one of the largest and most complex cases in the history of Dorset Police. The search for Simon's body involved hundreds of police officers

from multiple forces. The investigation involved a very large number of officers, led by Detective Chief Inspector Neil Third as the Senior Investigating Officer. Detective Sergeant David Wise was the Officer in the Case, and I give him particular commendation. Detective Constable Kim Blackmore and Paul Furnell attended court every day, and were of enormous assistance to the prosecution of the case. There are very many others who contributed to the successful investigation of the case who are too numerous to mention by name.

64. This team of detectives approached this awful case with compassion and professionalism. Their work was painstaking, and their conduct throughout was professional and diligent. I wish to thank all the police officers who investigated the case and for their detective work so that this case could be brought to justice.

65. I thank also all the witnesses who gave evidence and all those who came forward to assist the police. I thank all counsel and their solicitors for their hard work and advocacy too.

66. I wish to pay tribute once again to the jury who approached their role with such concentration and close attention to the evidence and the distressing details. I could see what a traumatic experience it was for them to perform their valuable public service.

67. To all the staff here at Winchester Crown Court especially our usher and court clerks, who have gone above and beyond to ensure a smooth running and efficient trial, nothing was too much trouble. I know I speak on behalf of everyone when I thank them for their hard work.

Mrs Justice Stacey

26 July 2024