

IN THE CROWN COURT AT NEWCASTLE

REX

-v-

LOGAN MACPHAIL

Sentencing Remarks of Mr Justice Hilliard

1st November 2024

1. On the 29th August 2024, the defendant was convicted by the jury of the murder of Holly Newton and of wounding a young person, CD, with intent to do him really serious harm. CD had come to Holly's assistance. The offences were committed on Friday 27th January 2023. He had previously pleaded guilty to possessing a knife in a public place without a good reason. He must now be sentenced for those offences. I have already explained to the defendant in simple terms what I am now going to cover in more detail. He will have the opportunity when I have finished to go through a copy of what I have said with his lawyers.
2. Holly was 15 years old when you murdered her. She was described by her mother as a beautiful child who grew into a funny and happy teenager who would do anything for anyone. She loved all types of sport and from an early age, she fell in love with dancing. She was a quiet student at school who never had a bad report. She had a small and tight-knit group of friends and a cat she loved. Above all, she was passionate about her family.
3. Her mother has told me about the effect upon the family of Holly's murder, of the pain and of the loss they have suffered, with no end in sight. I know what a long process this has already been for them. By their great dignity and forbearance whilst at court, they have honoured Holly's memory. Micala Trussler has explained that on 27th January 2023, the day that Holly died, their lives changed forever. All those years ahead for a 15 year old girl that she and they will never see.

4. The sentence I will pass is not intended as a measure of the value of Holly's life. That is beyond measure. Nor can it begin to put right what you have done. That is not possible. It cannot be undone.
5. CD was 16 years old. He showed remarkable bravery on the day in question. He received four stab injuries, one to the thigh, the other three to his neck and shoulder. One of these three wounds fractured a bone in the shoulder area. Two others narrowly missed the vertebral artery which would have constituted a life threatening injury.
6. CD underwent surgery on 28th January 2023 in respect of the stab wounds. On 3rd November 2023, he underwent open cuff repair surgery. He had multiple follow-up reviews. On his last review in February 2024, he had a good active range of movement in his left shoulder, although CD reports restrictions in what he can do. Unsurprisingly, there have been psychological impacts too. CD says that he struggles with his mental health, he has trouble sleeping and nightmares.
7. You are now 17 years of age. You will be 18 on 9th December. You were 16 years old at the time of the offences. You and Holly had been in a relationship which began after you met at army cadets. The relationship had its ups and downs but nothing out of the ordinary. You broke up on occasions and then made up.
8. I must set out the factual basis on which I shall pass sentence. I am satisfied that earlier in January 2023, Holly indicated that the relationship was at an end and you realised that this time she meant it for good. You were not able to accept that. You were obsessed with Holly and by your desire to resume the relationship.
9. On Thursday 26th January, you made the journey to Haltwhistle where Holly lived. You travelled from your home. You caught a bus at about 6pm and another bus at 7:51pm. You arrived in Haltwhistle at 8:21pm and walked in the direction of her house. Holly was not in and had told you not to come. She did not answer your calls. Her mother had very wisely told her that the kindest thing was to stop all contact. Your mother contacted the police and reported you missing. The police tried to get in touch with you. You remained outside in the area of Holly's house on a very cold night until about 1am when the police found you and took you home.
10. In the meantime, you had messaged Holly's brother and a friend of Holly's about whether Holly was seeing anyone else and were told that she was not.
11. You said that you had gone to Haltwhistle because you wanted to retrieve an old PlayStation of yours which Holly had. I am sure that it could have been returned in other ways, that there was no urgency about it and it was simply an excuse you used because you wished to spend time with Holly to see if the relationship could be resumed.
12. In the morning of Friday 27th January, you told Holly's friend that you were going to meet Holly outside her school that day. Holly's friend told you that that was not a good idea. When the friend told Holly, Holly said to her friend that she would tell the police if you came to her school and described your presence at her house the night before as stalking. Holly had previously told you that she could meet you in Hexham after school on the Friday. But since telling you that, she had not taken any of your calls or responded to any of your messages and you had also now been told by your sister that

Holly was not allowed to telephone or text you. I am sure you knew that Holly did not want to see you.

13. Holly's mother had contacted the police with her concerns about the situation. The police had arranged to come to Holly's house on the Friday afternoon. Holly pleaded with her mother to let her see her friends after school and so the meeting was put back to the evening. Her mother could not possibly have known what was going to happen.
14. You left your school early at lunchtime, saying you were very tired and wanted to go home. I am sure that that was a lie and that you intended at that stage to go to Hexham which is exactly what you then did. You got on an initial bus at 13:41 and eventually arrived in Hexham at 3pm. You asked your sister to ask Holly if you could give her back some property of hers which you had. This was another excuse to try and meet up with Holly. You did not have any of her property with you and I am sure you knew that and were telling a deliberate lie. You told more lies to Holly's friend and to Holly's brother, pretending that you were in Newcastle. I am sure that you were thinking clearly and were deliberately laying false trails about where you were. This is demonstrated by the schedule of messages.
15. You spotted Holly who was with a female friend and CD. You were undoubtedly preoccupied with whether Holly was seeing someone else and you obviously saw that she was talking with her friend and with CD. You followed them for about an hour. Your sister told you that she could not express how bad an idea this was. For much of the time, you had your face covered. You made a large number of telephone calls to Holly which she did not answer. You accepted that you wanted to see, if she spoke to you, whether she would say that she was with a boy. Holly's female friend left her and CD to go home.
16. At 16:47, Holly and CD stopped outside a pizza shop by the bus stop in Hexham. You hid round a corner. When CD went into the shop, you walked up to Holly at the bus stop. I am sure that that was because you intended to speak to her. You were not, as you told the police, trying to avoid her and make your way home. You were there with her outside the shop for 15 minutes or so. For some of that time CD was present and I am sure that it was obvious to you that Holly was friendly with CD and was not open to changing her mind and resuming the relationship with you.
17. During that conversation, you made a number of attempts to get Holly to go with you into the alleyway which was close to the bus stop. She did not go further than the entrance to the alleyway. I am sure that your reason for this was not because you were disturbed by noise in the street as was suggested. I am sure that you were not unduly disturbed by the noise. You knew that there would be traffic, traffic noise and people in Hexham when you chose to go there, and you had continued to follow Holly through Hexham for about an hour. The CCTV film shows plenty of people and traffic on the way.
18. It may be that at first you simply wanted somewhere to speak to Holly on your own. However, I am driven to the sure conclusion that very soon you wanted to get Holly into the alleyway which was out of sight so that you would have the best opportunity to attack her without anyone intervening. And I am satisfied that you had decided to attack Holly because you knew for sure from her reactions at the bus stop that she was

not open to any suggestion of resuming the relationship. You were filled with resentment and jealousy but still able to calculate where you could best attack her and able to wait until you got that opportunity.

19. You managed to persuade her to come a little further into the alleyway. You waited until one passer-by had gone on his way and then took out the knife which you had in your pocket and launched an attack upon her which was vicious and brutal. It lasted for a minute or so, during which Holly sustained 12 stab wounds, 5 defence type injuries to her hands and 19 other sharp force injuries. It is always possible that one knife blow caused more than one injury, but five separate stab wounds went into bone and would have required severe force to inflict. One was to her jaw, two were to her skull, one struck her back bone and one went through her shoulder blade. Stabbing her head in that way was a terrible thing to do. Holly's mother was stopped from seeing Holly in the alleyway and in the ambulance because of the horrifying condition she was in.
20. In the course of the attack, CD heard Holly screaming and saying to you to stop and get off her. When CD got to the alleyway, he saw you on top of Holly and striking her. He took hold of you as you were swinging at him with the knife. You inflicted four stab injuries. One was to CD's thigh, the others were to his neck and shoulder. Nonetheless, CD managed to throw you off Holly and he went to get help.
21. But by the time help arrived, you had got back on top of Holly. You had your left hand on her and you were lifting your right hand high up into the air and bringing it down in a stabbing motion.
22. The force you used was so great that the knife broke and the blade was bent out of shape. The pathologist said that seeing a knife so damaged was incredibly rare. You attacked Holly's back, front, head and face. I am sure that you intended to kill her and that you knew how final death was. I mention this because at different times it has been said or suggested that you might not have known what killing Holly would mean. I am sure that you had a sufficient understanding of it.
23. The blood loss Holly sustained was unsurvivable, notwithstanding the very best efforts of passers-by, emergency services and hospital staff.
24. Courageous members of the public took hold of you and disarmed you. I have already referred to CD's bravery. I also single out Kenneth Kelly, James Westlake, Danielle Richardson, Vinni Nicholson, and Debbie Thick who tried to help Holly with CPR. They all behaved in an exemplary way and deserve public commendation. At one point when you were being restrained, you tried to make a movement towards your own neck with the knife but it was not a determined attempt. You said to one person that Holly had been horrible to you. This was obviously uppermost in your mind. You said that you slit your wrists and that your parents didn't help you or care about you. Then when you were arrested, you said "She's been horrible to me. The knife was actually to kill myself. I was meant to kill myself but it went too far."
25. For the avoidance of doubt, I am absolutely certain that Holly did not pull you towards her at any stage or say that she loved you.
26. There is only one sentence for the crime of murder when it is committed by someone of your age and that is a sentence of detention during His Majesty's Pleasure, pursuant

to section 259 of the Sentencing Act 2020, the equivalent sentence to one of imprisonment for life for an adult. I have to decide the minimum period which you must serve before you could be considered for release on licence by the Parole Board. There is no saying that you would necessarily be released at that stage. You could only be released if it was safe to do so. So that is why you must try as hard as you can to behave well and to make progress. I have taken account of all the points which have been made to me, orally and in writing, and I am grateful to Counsel for their assistance.

27. I have to deal now with some legal rules. The minimum term is determined by reference to Schedule 21 to the Sentencing Act 2020 and to sentencing guidelines for young offenders, and for offenders with mental health disorders. I also have to look at the guideline for offences of wounding with intent to do really serious harm and the totality guideline. It is important to say and to underline that different considerations apply when sentencing young offenders and sentences passed are not measured in the same lengths as sentences for adult offenders. I have to have regard to your welfare, to your age and maturity, and to the aim of preventing offending by children and young people.
28. First of all, I have to determine the appropriate starting point for the minimum term. Parliament has provided that the starting point for someone aged 15 or 16 at the time of committing the offence of murder is one of 10 years unless one of a number of specific features apply. By a combination of paragraphs 4 and 5A, the starting point would be longer, 17 years, if I were sure that you had taken the knife to the scene of the murder intending either to commit any offence or to have it available to use as a weapon. There is no history of you using a knife to threaten or to injure other people. You have no criminal convictions. But you did on occasions use a knife or other sharp instrument to scratch or cut yourself on your arm, on one occasion quite deeply. You had some old scars from such activity. This was usually a means of relieving tension that you felt on occasions. Your evidence to the jury was that you had tried to cut yourself at school with the knife that morning and that you had thought about using it to take your own life in front of Holly so she would know that she had caused you pain. Your sister told Holly that you had said that if you killed yourself, it was down to Holly.
29. I have given very careful thought as to why you took the knife with you that day. You told the police that you had had it for a week or two. One possibility to consider is whether you intended to attack Holly all along. The prosecution drew the jury's attention to this possibility when closing their case to the jury, although they conceded that it was not the only way of looking at the case. I have considered the matter for myself. Having done so, I cannot be sure when you came to Hexham or when you were following Holly that you intended to use it to attack her or had it available to do so.
30. Whilst I am sure that you would not have gone so far as to kill yourself, I am satisfied that you took the knife with you that day so that if you saw Holly and if she did not wish to resume the relationship, you could produce the knife and threaten to cause some harm to yourself, or actually cause some harm to yourself in front of her if you chose to. All to put pressure on her to take up with you again. Scratching yourself in front of Holly would have achieved nothing. I am sure you had the knife available to cut into your arm or something similar if you chose to so as to try and cause fear, alarm and distress to her by what you were doing to yourself. Thus, you took the weapon to the scene to have it available to use as a weapon at least to frighten her and to injure yourself.

31. So I am satisfied that your case does come within the scope of paragraphs 4 and 5A, notwithstanding Mr Edwards KC's submissions to the contrary. He does, however, acknowledge that your possession and use of a knife would justify a significant increase from a 10 year starting point and he submitted that when all is said and done, and taking account also of the section 18 offence and of all the aggravating and mitigating features, your final minimum term should be between 15 and 17 years.
32. So I proceed on the basis that you did not make the decision to attack Holly with the knife before you arrived at the bus stop. But I am sure you made that decision very soon after you arrived there when it became clear that there was no prospect whatsoever of Holly resuming the relationship, no matter what you did. Taking the knife the short distance from the bus stop to the alleyway, a matter of a few feet, would not however be sufficient to warrant the increased starting point.
33. None of these provisions is to be applied mechanistically or arithmetically, nor is this simply an exercise of assigning a case to a particular compartment. The Court of Appeal has indicated that even if a case falls within paragraph 4, a reduction from the starting point may be appropriate – see *R v Kelly, Bowers, Singh* [2011] EWCA Crim 1462.
34. The fact that you had the knife available as a weapon to injure yourself if you chose to rather than someone else does merit a reduction from the 17 year starting point, although you also had it available to frighten and distress Holly by threatening to harm yourself. You knew that you were taking a knife to a potentially volatile and unpredictable situation. In any event, the aggravating features which I must consider then result in a figure which is in excess of 17 years before considering mitigating features.
35. The minimum term has to reflect a number of aggravating features. First of all, your underlying conduct at this time towards Holly. After the relationship had ended, you had gone to Holly's home at night when you knew you were not welcome. You had the knife with you on that occasion too. And then you followed her after she had left school on the day of the offence. She was entitled to break off the relationship if she wanted to and to spend time with whoever else she chose. You had been told by your mother, sister and Holly's friend that, in effect, you should leave her alone. You knew very well that you should not have gone to Hexham and that Holly would not like it which is why you pretended to other people that you were in Newcastle. You said you knew that Holly would probably "freak out" as you put it if you went up to her and tapped her on the back. You knew she was with other people and she was choosing not to take your calls. I am sure you knew as well from the involvement of the police the night before that you were taking matters too far. I do bear in mind that a more mature person would not have behaved in this way.
36. The fact that the motivation for the murder was resentment towards Holly for ending the relationship and jealousy about the fact that she was spending time with another boy also makes the case more serious. Again, I acknowledge that a more mature person would have handled such a situation in a better way.

37. Next, the vicious and brutal attack which you launched was resumed even after CD had pulled you off. The attack was also premeditated, although not by many minutes, and you lured Holly into the alleyway in order to attack her out of sight.
38. In addition, Holly was a child. Although you were not an adult, she was no match for you armed with a knife.
39. She had severe injuries caused as she sought to defend herself from the knife. She must have realised before she died I am afraid that she was fighting for her life.
40. Finally, the sentence for the offence of wounding CD with intent to do him really serious harm was a separate and very serious offence. The minimum term for murder must include an element to reflect this additional offence. The overall sentence must of course be just and proportionate and I have regard to the principle of totality and the relevant sentencing guideline. The offence for an adult would fall into Category A high culpability because of the weapon used. The harm was grave and falls into Category 2. This categorisation is accepted. For an adult, a Category 2A offence has a starting point of 7 years' custody and a range of 6 to 10 years. A sentence which is half or two thirds of the sentence for an adult offender is broadly appropriate for someone of your age at the time of the offence. The sentence for an adult would not be less than 8 years' imprisonment. Given your age, personal circumstances and lack of previous convictions, the appropriate sentence for you for this offence if it stood on its own would be between 4 to 5 and a half years' detention. It was a very serious offence. One of the reasons for committing it was so that you would be able to continue a fatal attack upon another person.
41. The mitigating factors to be considered are your personal circumstances, including your mental health, depending upon what I make of it. I have had regard to all the medical reports I have seen at different times, to the evidence I have heard, and to the pre-sentence report. I regard myself as well-placed to assess this aspect of the case. I heard evidence over a number of days from the defence expert witnesses who were initially of the view that you were unfit to stand trial. That assertion was not right and as you know, the doctors eventually agreed that you could properly stand trial if adjustments to the trial process were made. I am satisfied that they undervalued your abilities to function in daily life aside from formal testing. I am also satisfied that you deliberately understated your understanding of the trial process on occasions because you knew, as you said to Dr Chakrabarti on one occasion, that if you said you understood a particular feature, then you would be fit to plead.
42. Although you have a low measured IQ, I am satisfied that this really had no material part to play in what happened. Although it has never been assessed, I am sure that what the experts called your adaptive functioning is of significance. This means how you cope and manage in your ordinary life. And the fact is that you cope satisfactorily. In this context, I take account of how you managed to live your life on a day to day basis and of what I saw of you over many days when you gave evidence. You have a speech impediment which makes assessment by experts of any condition more difficult. You have a diagnosis of autism spectrum disorder and I have taken account of this too. But I am satisfied that you are at the mild end of the range. I do not think that this had a significant effect upon your day to day living. I do not think that you demonstrated obsessive preoccupations other than for Holly, and that was prompted by different

motivations. That was also contributed to by the lack of experience and maturity that every 15 or 16 year old has where relationships are concerned. I do take account of that. You were well able to understand the effect of your behaviour upon other people, including Holly, even taking account of a young person's more limited experience. I am sure that your measured IQ and autism spectrum disorder did not impair your ability on this occasion to exercise appropriate judgment, to make rational choices and to understand the nature and consequences of your actions. Nor do I think that any of this caused you to behave in a disinhibited or uncontrolled way. What you did went so very far beyond a case of bad judgement, poor choice or limited understanding.

43. It is accepted that a secure diagnosis cannot be made that you are suffering from Post Traumatic Stress Disorder because of events you witnessed or were subject to in your life at home. I do not regard you as always reliable in your account of events and I am satisfied that you have exaggerated your account of symptoms you experienced on occasions, particularly on the day of the offences and on the day before. That said, I accept that you had witnessed violence in your home. You had been the subject of a Child Protection Plan. Social services had become involved. There were obviously things that you found distressing in your life, so much so that you spoke of ending it. On one occasion, you were found by a bridge, on another occasion near a railway line, and on another occasion you had taken an overdose of tablets. I cannot say at this distance whether you had a settled intention to end your life on those occasions or whether the events represented what are sometimes called "cries for help". But on any view, you were exhibiting extreme distress and you were only a child. Violence to others which you had witnessed meant you had had to confront things which no child should have to. You said that you were subjected to physical punishment. That may have happened on occasions but I am unclear about the extent or frequency of this. I take account of the matter you reported at Aycliffe on 7th August 2024. The extent of this is unexplored and unresolved.
44. I am satisfied that your home life and personal circumstances meant that the relationship you had with Holly was especially important to you. Your speech impediment affected your ability to establish relationships and friendships with others and so you set particular store by your relationship with her. This made its ending all the more difficult for you to process and work through. This I do take account of. I am satisfied that your age and maturity are properly and sufficiently taken account of in the reduced figures I have already mentioned which are appropriate specifically for you as an individual.
45. I have taken account of the absence of previous convictions and of all your circumstances and conditions as I have outlined them. You have expressed remorse but I do not think that this aspect is all one way. It was clear in your evidence to the jury that you have persuaded yourself that Holly had treated you badly. Your first reaction at the scene was to say that she had been horrible to you and I think that this belief tempers or reduces somewhat the amount of remorse you feel but I do take it into account. I also take account of the fact that your speech impediment makes many situations more difficult for you and affects your confidence and your ability to interact with others. This will make the sentence more difficult to serve and your autism spectrum disorder may also do so. I have considered Dr Foster and Dr Feshki's latest reports.
46. I acknowledge that you have made progress whilst you have been at Aycliffe. This is very important and to your credit. As I have said to you on a number of occasions, I am

pleased to see this. You have, for example, applied yourself to your education. You have established good relationships with members of staff. I am sure that you can make further progress if you continue to try whilst you are in custody. You can definitely do better than you sometimes think.

47. I have sought to balance all the factors of the case, those that make it more serious and those that mitigate the sentence I must pass. However, because it is such a serious case, personal circumstances cannot carry great weight although they have more significance than they might have for an older person. But the stark facts are that you made the decision to stab a 15 year old girl to death with a knife you were carrying unlawfully in a public place, having followed her in secret around town for an hour. All because your relationship with her had ended and you were jealous at the thought that she might see someone else. What happened in this case should not happen to any child or parent. And no child or parent should be in fear that it might happen.
48. As I have said this is not a mathematical exercise. There is no single correct figure to attribute to a particular aggravating or mitigating feature. What matters is the finishing point. In the end, the length of the minimum term is a matter for my overall judgment, always taking care not to count the same feature more than once in any direction. It will be as short as I think it properly can be.
49. You must pay the statutory surcharge of £41. I make a deprivation order in respect of the knife under section 152 of the Sentencing Act 2020.
50. For the offence of wounding with intent, the sentence is one of 5 years' detention under section 250 of the Sentencing Act 2020, to run concurrently with your minimum term, so at the same time. I pass no separate penalty for possessing the knife.
51. Logan Macphail, for the murder of Holly Newton on 27th January 2023, the sentence is that you are to be detained at His Majesty's Pleasure. That could not be for a period less than 17 years in total. Because you have already spent 641 days in custody, I have to deduct those days. And so the minimum term I now specify is one of 15 years and 89 days to run from today.

Mr Justice Hilliard

1st November 2024.