

## **Rex -v- Ryan Wellings**

### **Sentencing Remarks**

You may remain seated until I tell you to stand.

Ryan Wellings. In this case you are to be sentenced for three matters across two indictments.

If the victim surcharge applies the order should be drawn up in the appropriate amount.

On the first indictment you are to be sentenced upon conviction by the jury on Count 1 for controlling and coercive behaviour in relation to Kiena Dawes between January 2020 and 22nd July 2022. On Count 2 you are to be sentenced for assault occasioning actual bodily harm upon Ms Dawes on 11<sup>th</sup> July 2022.

On the second indictment you are to be sentenced upon your plea for an offence of assault occasioning actual bodily harm upon Scott Fletcher on 28<sup>th</sup> August 2023. You will receive 25% credit for this plea.

I have not directed that there be a pre-sentence report. Given the gravity of the offending there is no prospect of a sentence other than of immediate custody in this case. For reasons which will become clear there was no prospect of me being in a position to impose upon you an extended determinate sentence. In those circumstances it is not necessary to obtain a report.

I am about to set out the facts of the offending against Ms Dawes. I remind myself that I must be satisfied so that I am sure of the factual basis upon which I sentence and that those findings must be in accordance with and faithful to the jury's verdicts. I am sure on the evidence I have heard of the factual basis which I am about to set out.

Kiena Dawes was, according to the accounts of the many witnesses from whom I heard, a popular, vivacious, friendly and kind young woman. Those qualities were in no way diminished by the fact that she, in common with many people, also had a history of mental illness which, through no fault of hers, meant that she was vulnerable to abuse and exploitation by a controlling and coercive partner.

When the relationship began in January 2020 you initially showed her affection and the relationship appeared to be happy. On 28<sup>th</sup> May 2020, in a fit of irrational jealousy and intoxicated on cocaine and alcohol you attacked her in your flat in Dorset. You threw her onto a table and smashed up items of furniture and glass such that she sustained a cut to her foot. From then on we saw in the evidence an oft repeated pattern of you assaulting or mistreating her, then apologising and promising to change only to do the same thereafter.

You repeatedly assaulted and abused her. The next identifiable incident of violence occurred at the home of your previous partner in December 2020 when you took hold of

Ms Dawes by the hair and dragged her to the floor. This was done in front of children of yours by a previous partner.

In February 2021 you pushed her into a wardrobe. On 4<sup>th</sup> July 2021 you assaulted her causing her bruising to the upper leg.

On 5<sup>th</sup> July 2021 whilst she was pregnant with your daughter you slapped her giving her a black eye. In your evidence you said that she attacked you and you were defending yourself. In light of your apology by text later that day your account is plainly not true. I am sure that you attacked and assaulted her that day.

On 11<sup>th</sup> March 2022 you became aggressive. You took hold of her and pushed her head into the baby bath which had been used to bathe your (then) 5 month old daughter. As you held her face under the water you told her to say goodbye to her daughter. That night you also beat her in the ribs and strangled her. She tried to jump from an upstairs window. The next day she had bruising to her legs.

On 17<sup>th</sup> June 2022 you assaulted her and caused a bruise to her arm.

In addition to these particular incidents you would routinely hit her. In the messages we have seen, she pleaded with you to stop hitting her but you just carried on. You tried to persuade her that it was her fault for upsetting you.

There were also threats to harm her. On 28<sup>th</sup> December 2021 you took out your electric drill, turned it on and held it up to her face threatening to drill her teeth out with it. She fled the flat with your daughter – both still in pyjamas and sought refuge with a friend.

You repeatedly threatened to throw acid in her face. On one occasion she posted a photograph of herself which made you jealous. You told her that, should she do this again you would throw acid in her face and watch it burn. Indeed you threatened such attacks more than once often citing as examples acid attacks on others well known in the media as examples of what you would do to her.

Knowing of her previous attempts at suicide and of her fragile mental health, you repeatedly told her that she may as well kill herself. During arguments that was a common line of attack. On your own admission you called her names connected with her illness.

You told her that if she spoke out about your abuse of her she would not be believed because of her mental illness. You persuaded her that if she called the police to report you her child would be taken from her. You persuaded her that she was an unfit mother and that her family and friends no longer cared for her. You told her that she was nothing without you and that no other partner would ever want her.

In 2020 she had lost her father to whom she had been very close. She kept his ashes in the flat. You threatened on occasion to throw them out of the window and even to flush

them down the toilet. You called her dead father terrible names. She kept some of his aftershave as the smell would remind her of him. You deliberately used it on yourself knowing that would upset her.

During the relationship she challenged you about your admitted interest in escorts and other women you had met. As a result you threatened to set fire to her car such that she and a friend had to move it to another part of town so that you would not find it.

You took care to separate her from her friends and family. When she went to visit friends she was anxious to be at home before you got back home and realised she was out. When she went shopping with the sister of her ex-boyfriend she walked separately from her friend just in case you saw them together and took out your jealousy on her for spending time with a person connected to that ex-boyfriend.

You disparaged her appearance. You told her that sex with her was disgusting. You told her that she was no longer attractive to you because she had given birth to your daughter. You told her that her dead father would be ashamed of her, that she was fat and ugly. You tried to persuade her that she was incompetent at her work knowing that she took pride in what she did.

As her mental health deteriorated into the July of 2022 she suffered a particular crisis. You appeared to be supportive. But, just 7 days later, on 11<sup>th</sup> July 2022, you subjected her to an assault at home and in front of your daughter. This was the subject of Count 2 which did not form part of the coercive control allegation. By this time she had been provided with a domestic violence alarm with a portable trigger. You had insisted that she keep the trigger in her car.

During that morning she was tidying up the flat ready for a landlord's inspection. The two of you were arguing. She had tried to summon help from the police by unplugging the domestic violence alarm base unit within the flat. You told her that if she called the police your daughter would be taken from you both. Then she tidied up your sandpaper. As a result of that you flew into a rage. During that argument, and on your own admission, you kicked over the vacuum cleaner she had only recently bought to replace the one you had sold to purchase cocaine. As you were leaving you deliberately slammed the door of the flat hard into her head causing her a significant cut to her head and twisting her neck. You then left her unconscious with your 9 month old daughter in the flat. As she came round in a pool of blood she could see her daughter looking at her – something which was to prey on her mind in the final days of her life. She needed help and went to the window to call out to you. You were about to get into a taxi. You accept that you saw her. You knew that she was bleeding. You called back to her that it was her own fault, got into the taxi and left.

As a result of that attack she needed treatment in hospital. She could not drive for a week. There were significant psychological effects. In her messages she tells friends

that she could no longer bear to be in the same flat where the assault had happened and she arranged to move out. She was haunted by the memory of waking after the attack to see her daughter looking at her bleeding on the floor.

We know that in the following days she began to try and move on from you. However, on 22<sup>nd</sup> July – 11 days after that assault, she took her daughter to her friend's house, left her in the child seat in the friend's hallway and drove to the west coast main line where she lay down and was fatally struck by a train. She was 23 years old. She left a lengthy suicide note on her phone. That note said a number of things about a number of people including describing you as a monster and saying "Ryan Wellings killed me".

On the jury's verdict that assault did not cause Ms Dawes' death. However, on the available evidence from what she said and did at the time and from the psychiatric evidence that assault, quite apart from the previous abuse, had a serious effect upon her.

The jury acquitted you of her manslaughter. That means that I must and will sentence you on the basis that you had no criminal responsibility for her death. However, from May 2020 until her death you abused, assaulted, exploited, controlled and demeaned her. When she died it is clear that she had begun to believe your lies to the effect that she was deranged, physically disgusting, friendless, worthless and an unfit mother. You had persuaded her that she had no one to turn to.

Of course none of what you made her believe was true. In the trial we heard from a succession of colleagues, customers, friends and family members who cared very much for Kiena Dawes and recognised her many admirable qualities. Everyone who knew her and cared for her regarded her as a truly wonderful person.

A number of points are raised on your behalf including that I should leave out of account, the allegation that you dissipated the legacy from her father. I leave it out of account. I take account of the delay in these matters being dealt with in court.

However, it is also said that I should accept from material presented at trial that, in some instances, Ms Dawes bullied you. It is right that, in messages, she apologised for having done so. But these statements need to be set within the context of this relationship. The overwhelming evidence was you persuaded her that everything was her fault – even when you beat her. I remind myself of your account in evidence which the jury rejected. You said that you did everything you could to help her with her mental health issues. You said you never assaulted her. You said that she would physically attack you and you did nothing more than defend yourself. The jury rejected that account. On the evidence before me I reject the suggestion that Ms Dawes had any power in this relationship let alone that she abused any power in this relationship.

I am also asked to consider Count 2 as a spontaneous act. The evidence was that there had been violence earlier that day. Indeed to the extent that Mr Dawes ended up underneath a radiator which became detached from the wall. That was not part of Count 2 and will not result in any further penalty. However, Count 2 was not spontaneous. Also, I remind myself that you had insisted that the trigger for the alarm be kept outside the flat in the car. That was not because this assault was planned – but I have no doubt that the trigger was kept away from Ms Dawes for just such an eventuality.

You have shown no remorse. When forced to make an admission by the evidence you seemed to think that you could blame the fact you had taken cocaine or alcohol or both. You lack insight into your own condition. Though an extended determinate sentence is not available in this case you are a clear danger to any partner you may have in the future.

I have read with care the victim personal statements of Ms Dawes' grandma, her brother and her mother. They reinforce what emerged in the trial about her many qualities. Much of what they say is about the loss of Ms Dawes but they also speak about the effects of your coercive control and assault upon her. I thank them all for their statements.

I turn now to the assault on Scott Fletcher. You had been on a night out with a group of friends of whom Mr Fletcher was one. By this time you were on police bail for the offences against Kiena Dawes. On that night out your friends had paid for you. Mr Fletcher reminded you to repay part of your taxi fare that night and to repay money he had previously loaned to you. Drunk, you reacted badly to his request and punched him once to the eye and once to the jaw. I have seen the photograph of the injury you caused to him. He suffered a cut to his face and received treatment in hospital as an out patient. He has provided a Victim Personal Statement in which he says that he did not feel he could attend the homes of customers with a black eye for fear of the impression that would create and accordingly could not work for a number of weeks.

You, Ryan Wellings, are 30 years old. You have a number of convictions on your record including an assault on a previous partner whom you assaulted as she gave you a lift home after you had spent the night taking cocaine. You called her names and hit her to the back of her head. You tried to grab the steering wheel from her hand. You got out of the car and then turned your anger on the car itself causing substantial damage to it.

I turn to the guidelines. I have regard to the Guideline on Domestic Abuse. Offending in a domestic context is more serious because it represents a violation of the trust and security that normally exists between people in an intimate or family relationship. This factor is largely catered for within the ingredients of Count 1 but is plainly relevant to Count 2.

I then consider the offence specific guidelines. The coercive control offence is at higher culpability. Indeed every higher culpability factor is present. Harm is at category 1. Again, every category 1 factor is present. This gives a starting point of 2 ½ years' imprisonment and a range of between 1 and 4 years' imprisonment.

The offence is aggravated by your record, your prevention of Ms Dawes reporting your abuse, the vulnerability of your victim and because much of the offending was committed under the influence of cocaine. There are no mitigating factors.

Given the many higher culpability factors and the seriousness of what you did this offending is, in my judgement, beyond the top of the highest bracket.

The assault upon Ms Dawes is high culpability because of the vulnerability of your victim. The harm (including the psychological harm) is at category 1. That gives a starting point of 2 ½ years and a range of between 18 months and 4 years. The offence is aggravated by being committed in a domestic setting. That you left Ms Dawes unconscious on the floor with your daughter and refused her pleas for help are also aggravating features. It is a very significant aggravating feature that it was committed in the presence of your infant daughter.

The assault upon Mr Fletcher is at category B culpability and category 2 harm giving a starting point of 36 weeks' imprisonment and a range from a higher level community order to 18 months' imprisonment. I do not accept the Crown's submission that the harm is sufficient to take the matter into category 1 though the level of harm within the lower bracket will affect the sentence.

Your previous convictions, and the fact you were on bail are aggravating features. You were also intoxicated at the time of the commission of the offence.

I will pass consecutive sentences for the offences against Ms Dawes. I have reminded myself of the Totality Guideline. Count 2 was not charged as part of Count 1. It represented a significant escalation in the violence used against Ms Dawes. It had its own distinct impact upon her. There are aggravating elements in Count 2 that require separate recognition. Your overall criminality would not sufficiently be reflected by concurrent sentences. I accept that a substantial reduction in the sentence must be made to reflect totality - but, in my judgement, an appropriate sentence cannot be achieved by the sentence on Count 2 being subsumed into the sentence for Count 1.

The sentence in relation to Scott Fletcher must attract a consecutive sentence – again – reduced for totality.

Stand up Ryan Wellings.

For the coercive control at Count 1 the sentence, subject to totality would have been 4 years and 4 months' imprisonment. Again subject to totality the sentence for Count 2 would have been 3 years' imprisonment.

For totality I reduce the sentence on Count 1 to 4 years and on Count 2 to 2 years' imprisonment. Those sentences are consecutive to one another giving a total sentence of 6 years so far.

The sentence for the assault on Scott Fletcher after trial would have been 10 months' imprisonment. I reduce it to 7 ½ months for credit and again to 6 months for totality consecutive with the sentences already imposed.

That gives a total sentence of 6 ½ years' imprisonment.

You will serve half of that sentence less time spent on remand whereupon you will be released upon licence. That licence will contain conditions. If you breach those conditions you will be liable to be recalled to serve the balance of the sentence.

You may go with the dock officer.

**His Honour Judge Altham**

**Resident Judge for Lancashire and Recorder of Preston**

**16<sup>th</sup> January 2025**