

**Derby Crown Court**

**His Honour Shaun Smith**

**22 August 2025**

**Sentencing remarks: R-v- Charles Hartle**

Charles Hartle you are 18 years old and at around 8.00pm on the 28<sup>th</sup> December 2024, when you were just 17 years old, you took the life of another 17 year old boy, Noah Smedley

The killing is yet another reminder of the dreadful epidemic of knife crime.

You were armed with a horrendous looking Rambo knife, which you had secreted down your trousers and you deliberately and for no apparent reason plunged that knife into Noah's chest, an act caught on CCTV and there for everyone to see, including the Jury, who in fairly short order found that what you did, amounted to the offence of Murder – the offence for which I must now sentence you.

You have never put forward an explanation for what you did, save for reference in a prepared statement to the police, to acting in self-defence.

As was your right, you chose not to give evidence and during the course of his closing speech, your King's Counsel, told the jury that you no longer relied upon self defence and accepted that the killing was unlawful, inviting the jury to convict you of manslaughter rather than Murder

It follows that only you know the true reason why you stabbed Noah, others can only speculate

There was however evidence during the trial, of your fascination with knives, particularly those of the gruesome type you used to kill Noah and evidence of your desire to use them to inflict at least very serious injury

That evidence came in the form of previous incidents, including threats made to your father, as well as text messages and social media links expressing violent thoughts connected to knives, as well as the Drill Lyrics which you composed

I have also read much about you in a psychological report prepared on your behalf and I have read the progress report from the Derbyshire Youth Justice Service

**OFFENCE**

The evening of the 28<sup>th</sup> December was intended to be one in which 3 friends and you played on your Xboxes and Play Stations, smoking a recreational amount of Cannabis – nothing more – nothing less

Initially it was thought you might provide the cannabis but you decided not to – instead you tagged along to play Xbox & PS

You also tagged along when it was decided to go and buy cannabis from Noah.

Unbeknown to the others you had with you the Rambo knife you were to use on Noah

Whatever you were deciding to do, you kept it quiet – nobody could have expected what unfolded

I reject the notion, put forward by you in your prepared statement, that you carried the knife because you were in fear

Once the drug deal was done you suddenly stepped forward and delivered the single fatal blow – no provocation - no hesitation – straight in to the heart and out again

I should say, should it matter, that having conducted the trial I reject the prosecution suggestion that you were hanging back at the outset in order that you could make your move.

What happened in the immediate aftermath? You fled – with Noah collapsed and dying in the road but a few yards away you went in the opposite direction

Via a house party you ended up in Derby City Centre, outside this very Crown Court, still in the clothes you were wearing at the time of the killing and presumably with the knife

It didn't stay that way, because before you were eventually taken to the police station by your father, you got rid of your clothing your phone and the knife – who's decision that was, is unclear

As I have already said, since that time, save for your prepared statement and indeed your Defence Statement, in which you suggest you were acting in self defence, you have remained silent

There was of course the conversation you had with your social worker which I ruled as inadmissible, but in which you suggested you did what you did because of Peer pressure and that you did not intend to kill Noah or cause him really serious injury – that you didn't see where you actually stabbed him – you did not specify who those peers were and although it was suggested on your behalf during cross examination that the 3 peers you were actually with, were the ones going to give Noah a slap, I suspect, from what I have heard about you, both during the case, from information that did not go before the jury and from reading the psychology report, that those peers may be elsewhere

During the trial the jury heard that sadly, your fascination with violence knives and killing had been building consistently since you were 15 years old – they also heard about your obsession with gang culture – all of which was demonstrated by the drill lyrics that you wrote

Evidence was heard about your multiple arrests for possessing knives and the need for your family to remove all sharp knives from the house, albeit you would take them from the kitchen, hide them in your room and take them out with you saying it was for your own protection".

When you were 15, as the Jury heard you were caught by the police with a large Rambo knife hidden down your tracksuit bottoms, but could not be prosecuted at that stage, as the law at that time stood.

In 2023, when you were 16 years old in a fit of temper you produced a lethal samurai sword and threatened to kill your own father following an incident involving a mobile phone

Amongst a number of texts during a text exchange you said:

“I want my new phone or I will fucking murder you ....stick it through ur fat head”

What the jury didn’t hear about were the numerous occasions police were called by family and/or school to deal with the you for possessing weapons or drug dealing, or the numerous occasions across your school records, from the age of 13 where concerns were repeatedly raised about your behaviour, including possession of weapons, dealing of drugs and reports of his aggression.

Your music and lyrics boasted of being an experienced drug dealer and your affiliation to a specific gang which is reflected your care records and being obsessed about being disrespected by numerous and real named people and other gangs – they demonstrated an obsession with carrying and using lethal weapons to maim or kill others

Just two examples are

“Dip man down, pray my shank don't bend,” (OR I’m going to Stab someone, hoping that my knife does not bend while I am stabbing him)

“To the opps that are wearing vest for fuck sake let me just shank your heart,”

(demonstrating his wish to stab his perceived opponents in the heart)

I appreciate that the Court must be careful when leaping to judgement about a person’s choice in music and lyrics – many songs across the history of music refer to killing, knives, guns, gangs, drugs and misogyny and they are sung enthusiastically and of course that does not automatically mean they will carry out such acts or believe they should be carried out.

However, in your case it seems to me, particularly in light of the Jury’s verdict and the way in which I observed you to be enthusiastically involving yourself from the dock when the songs were played, that they do indeed indicate a very alarming side to you

### **Turning to the VPS**

#### **Leo Bottomley**

Noah’s younger brother, with whom he had regular contact and spent time gaming with

They were separated legally and adopted but spoke of their future lives spending time together

Despite being part of the legal process it still doesn’t feel like Noah is dead.

Since Noah died, he has been sending him text messages like when they would talk, but he knows he won't ever reply.

He was studying for his A levels and was doing well, but Noah died, he missed lots of school because he got upset and even when he was there he couldn't concentrate.

Having seen the CCTV it has broken his heart to hear his brother was killed like that and it will haunt him for the rest of his life.

He will never forget what he saw and heard.

He will never get to take Noah for the drives he wanted, he will never get to talk to his older brother and ask him for his advice. He will never see or answer his text messages, but he will always keep messaging him.

### **Jonathon Bottomley**

He was Noah's older and they were extremely close, because we were very close in age and always hung out together. They spent hours relaxing together and confided in each other.

Noah was always the person who he could talk to, and he would always give him good advice, and tell him the right words when he didn't know what to say.

During the trial when he saw the video of Noah being stabbed, he could not stay or go back to court, because it hurt him so much. He has nightmares about what happened and when he closes his eyes, he keeps seeing Noah being stabbed over and over he doesn't think this will ever go away.

He has lost his brother, the person who he would always turn to has gone. He can never speak to him, laugh, cry or hang out with him..

His life will never be the same.

### **Combined Wendy & Matthew Smedley Jason/Tim & David Ballard – all very close relatives**

Their hearts are shattered into a million pieces. The pain of losing Noah is a weight that's crushing them, a constant ache that refuses to subside, everyday feels like a struggle to breathe, to function, to find meaning in a world without him.

Noah's presence was one of a kind, and his absence has left an unfillable void in their lives. The House feels empty despite having another teenager living here

They describe the way he was taken as a cruel and a senseless act, and it feels like a wound that will never heal, they are left with so many unanswered questions, so many 'what ifs' and 'if Only' that haunt us day and night.

The grief is overwhelming and it's hard to even find words some days to express the depth of their sorrow.

They have a lingering hope that Noah will walk through the door with his signature big smile, but reality hits hard

Looking at photos of happy memories-holidays, birthdays, Christmases will bring both joy and sorrow, his sparkling eye and mischievous grin painfully remind them of what they will never experience again.

They describe Noah was a brother, grandson, nephew, son friend and an important person in so many lives. losing him has not just affected them, but the whole community felt the massive impact of their loss.

Noah was a kind soul who wouldn't hurt anyone and would make sure everyone was safe

They love him more than words can say, he may be gone but he will never be forgotten they will carry him in their hearts forever, and they will always remember the happy times they shared with him

### **Lucy Warner**

Noah's mum describes the family being in eternal nightmare, but that she goes on for the rest of her family

Physically she struggles to breath in and out, experiences dizziness and faintness and seizures as a result of seeing Noah's body

She dreams that she is with Noah every night but then has to leave him when she doesn't want to – she is devastated and broken

### **Starting point**

The mandatory sentence for an adult for the offence of Murder is Life Imprisonment, in your case because you were Under 18 at the date you committed the offence the sentence is Detention During His Majesty's Pleasure

S.5A of Schedule 21 of the Sentencing Act sets out the position for setting the minimum term for those under 18 at the time the offence was committed

That starting point where an offender takes a weapon to the scene is 23 years – had you been 18 it would have been 25 years – I note you were just over 17.5 at the time

Mr Langdale KC on behalf of the Prosecution points out that unlike other sentencing provisions (notably SGC Guidelines) this part of the act specifically already deals with, and accounts for the element of "youth" and "age / immaturity" and as such there should not be further reduction to reflect age on top of the reduction already present in S.5A.

That is not disputed and I agree

He further submits that S.5A reflect offences across a very broad spectrum of Murder offences, involving taking a weapon to the scene and this is the starting point before aggravating features of that general and broad offence. He submits that as the section would also involve the taking of a non-lethal weapon such as a baseball bat to the scene and not intending to use such a weapon to commit an offence, but simply to have it “available” as a weapon, such an offence would also attract the same starting point.

Consequently he submits that it is clear, from the legislation that where more lethal weapons are carried and where the intention is for specific violence as opposed to use if the need arises, then those factors should be reflected as aggravating features increasing the starting point.

Whilst it is clear that the knife you used to kill Noah was a particularly lethal weapon, I do not accept that, that, in itself, serves to increase what is already a severe starting point for someone so young – rather the opposite applies – the less lethal the weapon per se, the starting point would be reduced – after all the initial legislation was introduced in order to reflect a knife taken to the scene – other weapons have been gradually introduced through case law

### **Statutory Aggravating factors**

Mr Langdale KC submits that the following statutory aggravating factors set out in paragraph 9 of Schedule 21, are present and relevant:

- (a) a significant degree of planning or premeditation to which I will return
- (b) the fact that the victim was particularly vulnerable because of age or disability - I reject that submission – In the circumstances of the meeting which led to the killing, despite Noah’s age, it does not appear to me that he was particularly vulnerable, as contemplated by the legislation

### **Non Statutory Aggravating Features**

Mr Langdale KC submits that the following non statutory aggravating features apply:

- a) In this case the weapon chosen was a particularly lethal weapon (a Rambo knife) which was being illegally held and was designed specifically to maim and kill

Should I accede to that submission, I would in my view, be in real danger of double counting

- b) That you went out with that weapon to commit an offence with it, to attack Noah Smedley and not simply to have it to hand should the need arise - that is something I will take into account when considering your intent
- c) You made attempts to conceal you identity - I do not accept that – nobody in your group suggested there was any sinister reason for you wearing the balaclava and having heard the evidence in the trial I do not consider, when applying the appropriate criminal standard that there was

d) You made concerted attempts to try and escape capture and then to conceal, hide and dispose of evidence – whilst it is clear that you did and I do consider it to be an aggravating feature, any increase in the starting point to reflect that needs to be tempered by the clear involvement of your father

e) Your past warnings and behaviour, regarding possessing and threatening the use of knives and lethal weapons, including previous Rambo knives and a Samurai Sword –

### **Statutory Mitigating Features**

Mr Langdale KC in effect, submits there are none – the only potential feature of your lack of previous convictions is negated he submits by the fact that you have been committing drugs and weapons crimes since you were 12 & 13 years old

### **Defendant**

Turning to you, I have listened carefully to what has been said on your behalf, I remind myself of the material adduced in the trial about your troubled childhood and I have read with care the psychologists report and the updated report from the youth Justice Service

On your behalf it is accepted that the starting point is 23 years and that any further potential reduction based on your age and/or lack of maturity is already reflected in that starting point

I will however return to the contents of the psychological report when I consider the impact of the matters it refers to, upon the length of the minimum term

### **Aggravating Features**

Dealing with the suggested aggravating features Mr Joyce KC does not accept the killing was premeditated. He submits that whilst you had rapped in belligerent terms, there was not any direct threat made towards Noah. Further, on the evidence, you had attended at Marcus Coleman's address for a wholly different purpose. Any decision to meet with Noah was not hatched by you, indeed you were not due to meet Noah when cannabis was to be bought

He further submits that the sole purpose of you carrying a knife cannot be said to be in order for you to attack Noah, rather it was for your own protection

I have no doubt you were carrying it for your own protection, but it is clear from everything I have heard in this case that you also possessed it for other more serious purposes and that you were more than willing to produce it and use it, as evidenced by what you did that evening

On balance however, I consider on the evidence I heard that any intention was formed at the scene rather than prior to arriving

## **Mitigating Features**

Turning to the Mitigating features Mr Joyce KC submits that this was a case that involved an intention to cause serious bodily harm rather than kill (reference to “slap him up”)

The Crown submit that on the evidence the jury heard that there was an intent to kill, particularly as, they say this a deliberate and well aimed thrust to the heart – they point to footage of you earlier with the very knife you used to kill Noah and they point to the lyrics of your drill music as an indication of what you would like to do with knives

For my part having considered those submissions and having seen and heard the evidence in this case I do determine that there was an intent to kill

Mr Joyce KC also asks me to reflect on your Age and lack of previous convictions

In so far as that is concerned – as I said previously your age has already been taken into account within the statutory starting point

As far as your lack of previous convictions is concerned, whilst you have not been convicted of any offence, you have been involved in incidents involving knives, which for understandable reason were not pursued – that in my view neutralises the position

Turning to your personal mitigation and your clear vulnerability, at least at an early age, there is some force in what Mr Joyce KC submits

It is clear that the tragic death of your mum when you were just 11 years old set in train the downward spiral which has resulted in you facing a life sentence

You became an easy target at the hands of older criminals – you were deemed vulnerable and susceptible to exploitation – you were frequently reported as a missing person and often found associating with others much older than him.

In fact a Conclusive Grounds decision was made, confirming that you were a victim of modern day slavery, as at 9 October 2024. The referral having initially been made in September 2022

The exploitation you experienced led to you becoming involved in the supply of cannabis at a low level, as a result of a drug debt. The exploitation and your involvement in the world of drugs inevitably led to you carrying of knives – that sadly is the culture

Turning to the contents of the psychology report prepared on your behalf

Having read the contents and having regard to the Sentencing Guidelines in respect of Mental Health I do not consider that they afford you any reduction in culpability

They do however make extremely sad reading – I do not propose to repeat them in open court, but what is clear, is that you have suffered in ways that a young child should not, which in combination with the loss of your mother led to your vulnerability to exploitation and the diagnosis which are made - you were a very troubled young child – you received little if any outside input, until you had carried out something as serious as this killing



I will in due course reflect those factors as mitigating features, it should however be noted that the report also makes clear that there came a stage when you willingly embraced the culture of drugs and knives and were more than happy to participate in it, which somewhat tempers the degree of mitigation upon which you can rely

Ultimately however no court can, nor should ignore the Psychologists observations that your “early traumatic experiences have increased your vulnerability in engaging in maladaptive and self endangering behaviour , over-estimating danger and engaging in emotional avoidance through means of substance misuse

It can never be an excuse, but neither can it be deemed an irrelevance

I also have to deal with you for possession of the knife - Mr Langdale makes further submissions regarding the guidelines relating to possession of a bladed article but as that bladed article is the very article which puts you at the 23 year starting point, that would clearly be double counting – accordingly I intend to pass a concurrent sentence, the length of which is consistent with category 1A which has a starting point of 18 months detention and takes into account the aggravating and mitigating features,

Having considered all the matters raised, the contents of the psychologists report, the youth Justice Report and the evidence I heard during the trial – as I have already stated, I determine that whilst this is not a case where the killing was pre-mediated, I find nonetheless there was an intent to kill.

The only significant aggravating feature which I consider it is appropriate to reflect relates to the fact that you got rid of your clothes, your phone and the weapon, tempered as I have said by the involvement of your father

In mitigation I take into account, to the extent I have already outlined, both those matters rehearsed in the psychologists report and raised by Mr Joyce in respect of your personal circumstances

I take into account the excellent progress you have made whilst in custody as outlined in the Youth Justice Report

I take into account the fact that you will not see your young child grow up

I take into account this is your very first prison sentence

Having taken those aggravating and mitigating factors into account and applied them to the Starting Point of 23 years, I consider that the appropriate tariff is one of 20 years

You were found guilty by a jury and as such there is no credit for any guilty plea

You have however been in custody for 233 days and that must be reflected

The sentence I therefore impose is one of Detention at His Majesty's Pleasure with a Minimum Term which you must serve prior to being considered for release by the parole board being 19 years and 132 days

I emphasise you will serve the whole of that period and even when that is complete you will not be released unless the parole board considers it is safe to do so

On release you will be subject to licence for the remainder of your life

There will be a sentence of 18 months detention c/c in respect of Count 2 Possession of a Bladed Article

V/S