

**REX V. MARK GORDON AND CONSTANCE MARTEN**

**SENTENCING REMARKS**

1. On Monday 14<sup>th</sup> July 2025, at the end of a lengthy trial you were both convicted of killing your baby daughter by gross negligence manslaughter. On 23<sup>rd</sup> May 2024, in the first trial, another lengthy trial, you were both convicted of concealing the birth of your daughter, perverting the course of justice and child cruelty. You must now be sentenced for all these offences.
2. On the indictment, I direct that count 3 (count 2 on the re-trial indictment), the offence of causing or allowing the death of a child, will lie on the file on the usual terms.
3. I have seen and read the various sentencing notes that make submissions as to the basis of sentence and application of the relevant sentencing guidelines. These submissions have been amplified in the course of the hearing today. I am grateful for the assistance those notes and submissions provide.
4. At this stage I make clear that in relation to any adverse findings I make in your cases, I do as I am satisfied to the criminal standard, namely that I am sure.

**The facts.**

5. Between 2017 and 2022, you had four children together. In the Autumn of 2022, it is clear you decided that with a fifth child due, you would become itinerant: you then moved between addresses frequently with the clear aim of ensuring that no local authority would have jurisdiction over you such that they could take steps to ensure that your fifth child was taken into protective care.
6. You had available to you significant financial resources. Constance Marten you were the beneficiary of a discretionary trust that provided you with a significant income. There was evidence adduced that over a four month period between 1<sup>st</sup> September 2022 and 3<sup>rd</sup> January 2023, payments totalling £47,886 were made to your bank accounts: a monthly allowance that increased from £500 to £3,400 as well as larger payments including £13,596 said to be for the

purchase of camera and filming equipment on 17th November 2022, and £15,590 said to be for the purchase a car on 22<sup>nd</sup> December 2022.

7. The precise details of the birth of Victoria, as you were to name your daughter, are known only to the two of you. It may well be the case that she was born in ‘Woodcutters Cottage’ as you have both claimed, but as much of what you have said at different times cannot be relied on, it is not possible to be exact.
8. What is known is that the birth took place before 5<sup>th</sup> January 2023. On that day the car you were driving caught fire, and when the fire had been extinguished a placenta was found. When it was found, you had abandoned the car and made your getaway. Not only did you leave the placenta with the car, you left a vast quantity of other items including baby clothes, a passport, personal belongings, a quantity of cash, more than 30 mobile phones, and a live cat.
9. What then occurred over the following days was that you travelled long distances using taxis, criss-crossing England between various ports. Whatever your ultimate plan, your paramount concern seems to have been to avoid detection and to get abroad although without any passport for either of you, or indeed the baby, that may have been very difficult to achieve. In my judgment it is clear that throughout the period from the end of December until your arrest, neither of you gave much if any thought to the care or welfare of your baby: your focus was on yourselves.

### **The period 2017 to 2022**

10. Back in 2017, you were both given the clearest of warnings about the perils of living with a newborn baby in a tent during the winter months. You had also been warned of the risks of unsafe co-sleeping.
11. A brief review of the history of events with your other children displays an arrogance and lack of thought for anyone else other than yourselves. Whilst you have both sought to paint a picture of being caring parents, both in this Court and in the course of the Family Court proceedings, as even the material set out in the Agreed Facts at both criminal trials amply demonstrates, the actual position was very different.
12. In June 2017, Marten you presented at St Mary’s hospital in London. Concerns were raised. At that time you were 6 months pregnant and had not sought any NHS antenatal care. You were to say that you and Gordon had been living in a campervan which was parked nearby.

On 26<sup>th</sup> September 2017, a social services department in London issued a national hospital alert, as they had been unable to locate either of you.

13. Later that same year, when in the early stages of labour with your first child, you presented at a hospital in Wales. Marten you gave the name 'Isabella O'Brien' and Gordon, the name 'James Amer'. No NHS antenatal care had been provided. Marten, you told hospital staff you had travelled from Leeds to avoid family. You spoke with a fake Irish accent. You claimed to be from the travelling community and had been raised in a caravan. You said you were no longer in a relationship with the father of your child, and that your family disapproved of a child being born out of wedlock. You claimed never to have been to school, not to have been registered with a GP and did not have an NHS number. You claimed that Gordon (Amer) was a friend you had known for around a month but was not the father of the child. You said you did not have anything with you for the baby. The lies told indicate the level of deception you were content to practice to suit yourselves.
14. You gave birth to your first child under the assumed identity of 'Isabella O'Brien' still using a fake Irish accent. Despite what had been claimed, Gordon was the father. Your true identities were ascertained after a social worker recalled the nationwide alert. Police had been called, and they found a passport in the name Marten. You were to tell social workers who attended the hospital that you and Gordon had been evicted from your flat in London and had thereafter lived in a camper van. You also said you had moved to Wales to get away from family, but had struggled with the homeless community there. You said that you had thought that, if you posed as travellers, you would be given social housing. You said you were homeless and did not know how you would meet the needs of the baby in your current situation. You said you were a capable woman, and would arrange for housing and state benefits to help you care for the child. You said you had not yet made any enquiries about state benefits, and were advised that this was not typically a quick process. A social worker explained to you that social services had a number of concerns, including the falsifying of names and that the two of you had been living in a tent.
15. You had been living in a tent, in a wooded area, which Marten you said had been your idea. You also said that you would engage with social care professionals and that your child was your priority. When asked if you had any provisions for the child, you said you had some clothing and nappies. You were informed that some baby grows and nappies was simply not enough for a newborn baby to be safe.

16. In November 2017, you were advised to reach out to your family and attempt to secure housing. As you were claiming to be homeless and there were inadequate preparations for a baby, it was made clear a court order would be sought if you were unable to establish a suitable home for yourself and the baby. An interim care order was made in relation to the child. A number of temporary mother and baby placements were then made.
17. In December 2017, a social worker explained to you Gordon that there were concerns about the lack of preparation for the birth of the child. You appeared to accept some of the concerns, but maintained that everyone has a right to choose how they live and that you felt that you and Marten should not be penalised or discriminated against because your lifestyle was not “mainstream”. A supervision order was made, which allowed the two of you to care for the child under the supervision of social services. That order was discharged in 2018. You then moved to London with no intervention from social services. Your second child was born in 2019.
18. In December 2019, legal proceedings were commenced in relation to the children, with an application for wardship. In January 2020, a local authority commenced care proceedings. Whilst those proceedings were underway a third child was born in 2020. An emergency protection order was made in relation to that child. The local authority’s plan pre-birth in respect of the third child was that on the day of birth, the child should be placed with you Marten in a residential assessment unit with Gordon to join later. A separation order was made in June 2020 as you both refused placement in a residential unit.
19. On 5th May 2021, midwives at Sydenham Green Health Centre received a self- referral from you Marten. You were then heavily pregnant, appointments were arranged for you to see a midwife and to have an urgent antenatal scan. You did not attend the appointments. You emailed the midwife to say you had decided to have a private scan and would email social services the result. When contacted by telephone, you repeated this account. You never emailed the results of any scan.
20. In mid-May 2021, a social worker conducted an unplanned home visit. Marten you answered the door. You were heavily pregnant. You hid your body behind the door and were adamant that the social worker would not be entering the address. You told the social worker you did not want social services to be “draconian” and take your baby away. You refused to provide a mobile phone number and the social worker provided hers. Three days later you telephoned the social worker and stated you had obtained private healthcare for the pregnancy but would not say where. You also said you planned to have the baby in hospital and that there were no health concerns, so you did not need to share any medical records. You were

told that social services required the information in advance to ensure the safe delivery of the baby, and you put the phone down.

21. A fourth child was born at Lewisham hospital in 2021, at full term with no medical concerns. That same month a social worker based in Greenwich conducted a hospital visit with both of you. The visit was organised because you had told the hospital you planned to leave the hospital and go to court for a hearing concerning the older children. You were offered a video link to the court from hospital but declined. During the visit the social worker explained that the baby was not ready to be discharged, and that Marten you should be looking after your baby and not leaving that to the nurses who had other duties. You both persisted in your intention to leave the hospital. It was explained to you that, if you did so, this would be recorded in the social care record as abandoning the child. You both then left the hospital, without the child. Marten, you were told that, if you left, you would not be able to return to the ward due to Covid concerns. Despite that you attempted to return to the ward the next day and became upset when refused entry as you refused to take a Covid test. At a meeting with social services in 2021, Marten you told social services that you and Gordon were “naturalists” and did not agree with any medical intervention with your child.
22. I have made reference to the care proceedings that started in January 2020, and it was on 28th January 2022, that Care and Placement Orders were made in respect of all four children. The children were placed with foster parents. At the conclusion of the retrial, the judgment from the proceedings in the Family Court has been released ([2023]EWFC 308 (B)). In that judgment the judge sets out her findings that you both presented significant risk of harm to your children. The judge’s decision and reasons are now clear for all to see. It is important to note that some significant conduct dealt with in the course of the Family Court proceedings was not included in the criminal trial. The Family Court judge described the nature of the relationship between you as being obscure and one that has involved serious physical violence perpetrated by Gordon on Marten that gives an obvious and significant risk to a newborn being caught up in a similar incident. I repeat that conduct considered by the Family Court was not part of the criminal trial. The conduct may be relevant to the issue of dangerousness that has to be considered here.

**5<sup>th</sup> January 2023 onwards.**

23. What was to take place in late 2022 into the early part of 2023, needs to be seen in the context of the history I have set out and in particular in the light of the numerous clear warnings given to you both.
24. Returning to the sequence of events, in early 2023, after your car catches fire on the M61, you flee the area, before embarking on travelling long distances by taxi with the travel focussing on ports. The evening of 5th January 2023, you are seen in Bolton at the railway station, wearing clothes that are clearly soaking wet. At that stage, other than what you are wearing, you have little if anything by way of belongings for yourselves, or more significantly, for your newborn baby. You travel to Liverpool. After a very short time there, it is another lengthy taxi to Harwich where you arrive in the early hours of 6<sup>th</sup> January. You are in and around Harwich that day and in the port area on 7th January when you are spoken to by Dale Gosling. Mr Gosling spoke about hearing the baby crying. As he was to describe it, it was the cry of a clearly distressed child. Later that morning, you take another taxi to Colchester before moving to East Ham. Although you claimed the baby was dressed in a ski jacket and normally carried in a sling, where there is video footage, it shows the baby clad in little more than a simple baby grow and not in a sling.
25. On the afternoon of 7th January, Gordon, you resorted to putting plastic bags over your shoes – no doubt due to how wet your feet and shoes had become. You acquired a tent and sleeping bags. A buggy was bought but soon abandoned before you travel to the south coast. The taxi driver is told to head for Portsmouth before then being asked to divert course to Newhaven. You are dropped by the taxi driver just before 5am on the morning of 8th January 2023, and are caught on CCTV heading towards open fields on Cantercrow Hill.
26. The next sightings are some four days later on 12<sup>th</sup> January, when you go to a Texaco fuel station. You purchase various items including some petrol. There are then sightings in Stanmer Park, Brighton on 16<sup>th</sup> January. The next clear and confirmed sightings of you are not until February 2023. Numerous media releases were made to the public. In February there are sightings in the area of Hollingbury Golf Course and Seaford. On 27<sup>th</sup> February, a visit to the shops to buy food led ultimately to your arrest.

**Cause of death.**

27. The death of your baby was the result of the obvious neglect by you as to the real needs of your baby. In my judgment, as Professor Havenith clearly demonstrated through the tests he conducted and presented at the retrial, your baby was exposed to significant cold stress. I propose to sentence you on the basis of a death by hypothermia. Whether it was by that means or by smothering may not make any significant difference when it comes to sentence, but my clear conclusion is that the appropriate basis for sentence in the light of all the evidence is death by hypothermia.
28. Prof. Havenith concentrated on the first three days in which you were camping with your baby between 8<sup>th</sup> and 10<sup>th</sup> January 2023. He recreated the conditions inside the tent that then existed on the South Downs, as well the conditions that would have applied outside the tent when you were walking around. He tested a series of different situations. For each of those situations he was careful to draw on various ‘best case’ scenarios relating, for example, to wind speed, body temperature, ground temperature, moisture, damp and the conditions to which baby Victoria was exposed both inside and outside the tent.
29. It is of particular significance that he concluded:
- (i) the insulation available to baby Victoria was insufficient whilst she was outside the tent and being carried by you Marten in the South Downs (see slide 19);
  - (ii) the insulation available to baby Victoria was insufficient if she were to have been laid on a pillow under a sleeping bag inside the tent (see slide 20); and
  - (iii) even with baby Victoria being kept next to an adult inside a dry sleeping bag, under a dry closed off coat, and assuming no heat loss to the adult, there would have been just enough insulation to prevent the baby from losing heat and to prevent hypothermia.
  - (iv) there would be insufficient insulation if the coat were wet, or the sleeping bag was wet (see slide 21). This scenario assumed the coat is kept closed and the baby is not taken out for feeding, comforting, changing or for any other reason.
30. As Prof. Havenith also explained and Prof. Fleming agreed, once the clothing was opened up to allow for baby Victoria to be changed, fed, or comforted, any micro-climate which had built up under clothing would dissipate. Equally, once the tent was opened, any microclimate inside the tent would quickly dissipate.

31. Even on the basis that baby Victoria was being kept under clothing, during the course of a night or nights spent in the tent it would have been necessary to change and feed her and that, as a result, the climatic conditions to which she would have been exposed would have been worse than the “best case” scenarios posited by Prof. Havenith. The position is that baby Victoria must have been carried whilst the two of you were walking across countryside in cold conditions (whether in a bag for life or under clothing).
32. I am also entirely satisfied that baby Victoria had neither a hat nor a coat. I reject the evidence you both sought to put forward that she was wearing a camouflage baby-grow/coat. In my judgment it is also significant that, as Prof. Havenith considered, both the tent and sleeping bags you purchased were inadequate for the climatic conditions at the time.
33. You have both claimed the baby died after just one night in the tent. As I have observed already, the accounts you have given as to what took place are not ones that can be relied on. You are not seen on any CCTV or in any other sighting after 5am on 8<sup>th</sup> January until 12<sup>th</sup> January when you make a shopping trip to a petrol station.
34. There was evidence called in both trials of sightings spanning dates between 16<sup>th</sup> January and 18<sup>th</sup> February 2023. Of particular significance are what was seen and heard by Sarah Hidden in the middle of January. Another member of the public saw people matching your description with a front facing buggy in mid-February. In terms of the date of death, having given the issue careful consideration, in light of the limited definitive material available I can only be satisfied so that I am sure that the baby had died by 12<sup>th</sup> January and not a later date.
35. After her death, you concealed her birth and perverted the course of justice. A high profile and labour intensive national search and police investigation led eventually to the discovery of your daughter’s decomposed body in a supermarket bag for life filled with rubbish and left abandoned in a shed on an allotment. When you were arrested neither of you was prepared to give any assistance to the police about the whereabouts of your daughter’s body. Your silence at that stage of events is highly significant. If, as you both sought to claim, this was a terrible accident, why not alert the authorities then and why, once arrested, not say where the body was to be found? You claimed you wanted dignity for your baby’s body, and yet your conduct displays the complete opposite.
36. In the course of the trial you have both sought to put the blame on everyone else: on the police for the hunt for the baby and you; on members of the public - you have claimed some have made-up what you said or did in their presence, for others you suggest all they wanted was their own moment in the limelight. What your attitude completely fails to acknowledge

is that it was the safety and wellbeing of your baby and the two of you that was the paramount concern of the police and members of the public. Had the police not sought to find you, or to make public appeals for assistance, and members of the public not responded by reporting sightings, then many would criticise them for not acting as they should have done.

37. To most right thinking people their children are the most precious beings: to be nurtured and cared for; to be kept warm; to be fed – even at the expense of the parents own comfort - and above all, to be loved. What you did towards baby Victoria, despite all you claim to have done, can only be described as neglect – neglect of the gravest and most serious type that led ultimately to her death by your gross negligence.

**Sentencing guidelines.**

38. Gross negligence manslaughter is clearly the lead offence. The relevant sentencing guidelines require an assessment of culpability to determine the offence category. There are four levels of culpability. The guidelines set out characteristics as indications of the level of culpability that may attach to conduct. As the text in the guidelines makes clear, the characteristics are to be weighed to decide which category most resembles the case in the context of the circumstances of the offence. As the guidelines also point out, the court should avoid an overly mechanistic application of these factors particularly in cases to which they do not readily apply.
39. On the facts here this was continued offending in the face of obvious suffering to the deceased. There is clear negligent conduct in the context of other serious criminality. In addition there is a blatant disregard for a very high risk of death and the concealment of the body. Those are all factors listed under culpability B. I have taken into account all that has been put forward by the prosecution and on your behalf on this issue. In my judgment, this case is one that falls within very high culpability. Looking at the factors present that I have set out, very high culpability is amply demonstrated by the extreme character of your blatant disregard for a very high risk of death resulting from your negligent conduct. There is also the very considerable impact of concealing the birth and perverting the course of justice by hiding the remains of your daughter so as to frustrate a proper examination of the cause of death to hide your own shameful conduct.
40. The conduct occurred in the context of the previous care proceedings. Those proceedings show there had been previous instances of significant failings by each of you towards your other children. Those failings are relevant to the assessment of seriousness.

41. In terms of the repeated warnings given to you, these were from medical professionals and social workers. Those warnings increase culpability and are linked to your blatant disregard to the very high risk of death. You could have been in no doubt that your actions were contrary to the advice given. I have already referred to resources, but you had the financial means and the opportunity to raise your daughter in a safe environment and you chose not to do so. In my judgment concealment of the birth, the death and how the body was then treated really do speak for themselves.
42. In terms of harm, as the guidelines state, for all cases of manslaughter the harm caused will inevitably be of the utmost seriousness. The loss of life is taken into account in the sentencing levels at step two.
43. The start point set out in the guidelines for very high culpability is one of 12 years' custody with a category range of 10 to 18 years' custody. The aggravating features identified may well lead to an uplift to the start point.
44. Moving next to consider any other factors increasing seriousness, in your case Gordon there are the previous convictions recorded against you. The older convictions are for extremely serious offences, and the conduct in Wales in 2017, is relevant in the context that the offences relate to events around the birth of your first child.
45. In 1994, in America, for armed kidnapping, armed sexual battery and armed burglary you were sentenced to a lengthy prison sentence. Those offences date back to April 1989 when you were 14. In addition, there are convictions for armed burglary and aggravated battery from May 1989, also when you were 14.
46. The facts of events in April 1989 are that you entered the home of your next door neighbour, a female, through the bathroom window and proceeded to the victim's bedroom. Prior to encountering the victim, you placed a nylon stocking over your face to conceal your identity. You were armed with a kitchen knife as well as a pair of hedge clippers and after the victim came out of her bedroom to investigate the dogs barking, she came upon you lurking just outside her bedroom door. You ordered the victim back into the bedroom and still armed, demanded that she undress. You then attempted vaginal intercourse. You held her for a period of approximately 4 ½ hours against her will. During the commission of the crime, the victim's two small children were sleeping in their bedroom. The sexual offending involved the penetration of the victim's vagina with your fingers and tongue, and your penis penetrated the victim's mouth and touched her vagina.

47. On 21st May 1989, you entered another house armed with a flat headed shovel, took kitchen knives and placed them about the house. You found the male victim on a bed and as he awoke, beat him around the head and body causing grievous bodily harm.
48. On all those matters you were convicted in 1994, and sentenced to 40 years' imprisonment. You were deported to the UK prior to serving the full sentence.
49. In 2017, there are convictions from the Carmarthenshire Magistrates' Court for two counts of assaulting a constable and one of failing to comply with his sexual offender notification requirements. You were sentenced on 14<sup>th</sup> November 2017, to a total of 12 weeks' imprisonment. This incident took place in the maternity ward of West Wales General Hospital. You and Marten had attended the hospital giving false names and identities as Marten was giving birth to your first child. When police attended the hospital and questioned you Gordon about your identity, you again gave a false identity. You then began to pace the room stating that you were confused. You refused to sit down and tried to leave the room. When officers tried to stop you, you assaulted two female police officers. You were eventually brought under control after being PAVA sprayed, and with the assistance of a member of the public who was on the ward.
50. In terms of other aggravating factors, I note what is set out in the prosecution sentencing note namely:
- (i) breach of a relationship of trust/responsibility that extends well beyond a duty of care;
  - (ii) vulnerable victim – a very young baby;
  - (iii) planned and considered offending;
  - (iv) failure to heed previous warnings (if not factored into the assessment of culpability, above);
  - (v) attempts to conceal evidence/interfere with the investigation (including concealment of the body if not factored into the assessment of culpability, above);
  - (vi) the previous care proceedings (if not factored into the assessment of culpability above);
  - (vii) in the case of Gordon, offending whilst subject to sexual offender notification requirements and the failure to report your whereabouts whilst the offending was taking place.

As a number of these features are ones that have led me to the conclusion as to very high culpability I must be careful so as not to double count.

51. In terms of the roles you each played, in my judgment it would be wrong to seek to distinguish. I propose to treat you both as being equally culpable.
52. On factors reducing seriousness or reflecting personal mitigation, Marten, you are now 38. In your case, there are no previous convictions and I will need to take heed of that feature of the case. In doing so, the conduct in care proceedings is not to be ignored and, as indicated already, I do not seek to distinguish between the two of you as to conduct when it comes to sentence.
53. In my judgment there has been no genuine expression of remorse from either of you: whilst there have been expressions of sorrow about the death, throughout you have adopted the stance of seeking to blame everyone else rather than yourselves for what happened.
54. In each of your cases I need to consider the issue of dangerousness: is there a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences? If so, that may lead to the imposition of a life sentence or an extended sentence. In assessing dangerousness, as well as taking into account all the information available about the nature and circumstances of the offences here, I may take into account any other information about you that is available. There is significant information about you from the judgements in the Family Court proceedings. In relation to you Gordon, this includes allegations of violence towards Marten from 2019. It is important that I also acknowledge that in those same proceedings there is material to show that the care provided to your older children has been noted to be of high quality. However, it seems to me the issues around the violent incident in 2019 when Marten was seriously injured, and your failure to engage with offender management services over the sexual offences register is of particular importance and significance in considering future risks and whether the threshold for dangerousness is met.

**Other sentencing guidelines.**

55. With the guidelines on perverting the course of justice, in my judgment, this case comes within high culpability. It is conduct over a period of about 6 weeks, where the underlying offences are extremely serious. In terms of harm, this had a serious impact on the administration of justice. The start point on the guidelines is one of 4 years' custody and a range of sentence of between 2 and 7 years. If the matter was before me on the perverting alone, in my judgment a sentence of the order of 5 years' imprisonment would be appropriate.

56. For the offence of concealing the birth, there are no offence specific guidelines just the general guidelines and the overarching principles. The maximum sentence is one of two years' imprisonment. In my judgment, there is a high level of culpability given that this was done because of the previous involvement of Social Services. There is clearly a greater level of harm because there is a death.
57. The Sentencing Council guideline for cruelty to a child applies to count 2. Neglect is reflected as part of the duration of the conduct relevant to the sentence for gross negligence manslaughter. I agree with the submission that, if looked at alone, neglect that did not cause death would be a Category 2C offence with a starting point of 12 months and a range of a community order to 2 years' and 6 months' imprisonment. The neglect was both to avoid the involvement of the social services and followed the previous lack of care towards your other children. These are some aggravating features leading to a sentence for this offence if being considered alone that might suggest it comes would come towards the top of the range. There is no real mitigation here other than the lack of previous convictions in your case Marten, but that must be viewed in the context of the earlier care proceedings.

### **Reports and references.**

#### **Gordon.**

58. Gordon in your case, the Pre-Sentence Report [PSR] is dated 11<sup>th</sup> September 2025. It is compiled by a very experienced probation officer. I express my thanks to her for her analysis. I note what she says about the way in which you were guarded and evasive and frequently deflected direct questions when interviewed. I note what is said about your account of the facts. I note that when you were asked about the dynamics of your relationship with Marten, you said you could not answer as you were concerned about information being taken the wrong way. I also note what you say about the future of the relationship between you and Marten.
59. In terms of my assessment of the issue of dangerousness, as well as what is set out in the report as to future risks, I have the advantage of seeing you through the trial and retrial and also am aware of the issues in the Family Court as well.
60. I have seen and read a Sentencing Note prepared by counsel recently instructed on your behalf. Today, a 34 page psychiatric report from Dr Farnham was provided. In his detailed report he sets out a history from you, the observations he made when he examined you on 9<sup>th</sup> September and then passages from the PSR dealing with dangerousness and risks. He also

comments on a letter from Dr Hiller where there was the possibility of an adjournment to the sentencing hearing. As I have made clear in this hearing, that application for adjournment was not made.

61. I have considered what is set out in the summary and opinion section of the report. I have reflected on the Dr Farnham's observations in relation to dangerousness. As he states, the question of whether the test is met is one for the court.
62. I also note what Dr Farnham has said about Dr Hillier's letter. He makes some observations about the nature of the self-reporting of what is set out. It does not appear that Dr. Farnham has seen the reports from Dr Hillier, but in my judgment there is a real risk of reports at this stage of a protracted case being largely the result of self-reported symptoms.
63. A further report of Dr Robert Halsey, a Psychologist, dated 12<sup>th</sup> September 2025 was provided to me after the sentencing hearing had started. The report sets out the history he was provided with, some psychometric tests followed by his opinion including his observations on dangerousness.
64. On your behalf Ms McAtansey KC adopts the position on the facts as set out by Mr Godfrey on hypothermia or smothering. I have already made clear my conclusion on that earlier in these remarks. She has also reminded the court of matters you set out in your evidence to the jury. Whilst I have had regard to what you said in evidence, the weight to be given to your evidence is limited as a result of your failure to be cross-examined.
65. On the guidelines, it is submitted that that it is not a Category A case, and the court is invited to exercise caution as to the category B features and the need to ensure there is no double counting. On this issue, I have made clear my conclusions.
66. On dangerousness, Ms McAtansey submits that the high test is not met. She submits that all of the professionals are of the view you should not be regarded as dangerous. Whilst it is accepted to be a matter for the Court, she points to the age of your antecedents when you were a child, the period you spent in prison being your formative years. As she observes, Dr Farnham makes a number of points on those years and the impact on you.
67. In terms of personal mitigation, reference is made to the reports and the impact on you of the taking away of the other children. You say you regret poor decisions that were made and how things happened. You have said you will live with the consequences of what happened

for the rest of your life. It is said you were not thinking rationally and properly and that your whole life has imploded.

**Marten.**

68. Marten, the PSR in your case is also dated 11<sup>th</sup> September . It too also been complied by an experienced probation officer. There is a very detailed account from you to the author of the report on the facts and the background. I express my thanks to the author for her helpful analysis.
69. On finances, I note that you told the probation officer that you believe you will have access to the discretionary trust in the future and that the restrictions on access may fall away when you turn forty. You also mention another separate trust that you will also have access to. There is a lengthy section of the report on relationships – within the family and with Gordon. I do not intend to repeat what is set out in the report as to your observations on the relationships. As I have said about other aspects of this case, in my view some of your observations and accounts are not reliable.
70. A number of letters of reference have been provided. One is from your step-father, Guy de Selliers and another from your mother, Virginie de Selliers. There are also letters from Mukisa Robert, Cecilia Robayo and Sophia Fellowes. I have read all of the letters. The authors speak warmly and lovingly of you.
71. There is a psychiatric report from Dr Bradley Hiller. It was sent to me last Saturday. It refers back to a report he prepared in the course of first trial. At that time, Marten, you were not prepared to be seen by the prosecution's psychiatrist and so the report of Dr Hiller was not relied on. His report now is largely based on what you have told him. I note in the summary of his conclusions that he says you were experiencing a mild depressive episode within the context of a recurrent depressive disorder at the time of his assessment in August and September this year.
72. He also says that you continue to meet diagnostic criteria for Complex Post Traumatic Stress Disorder (cPTSD). He does not consider you meet the diagnostic criteria for any personality disorder nor does he consider there to be a diagnosis of a substance use disorder. He says you would benefit from an assessment of your sleep function by an appropriate expert. He also says that it is very likely that your cPTSD was present during the period of the alleged offences, and triggered by the death of the baby. He also says that your reported behaviour

following the death of the baby would not be inconsistent with the process of grief, complicated by trauma.

73. My attention has been drawn to the guidelines on sentencing those with mental disorders. I need to consider what is set out by Dr Hiller. As the guidelines make clear, the fact that someone has any impairment or disorder should always be considered, but will not necessarily have an impact on sentencing: each case will be different and require its own consideration. In some cases and situations culpability may be reduced. In my judgment that does not apply here. I have no doubt that the fact that your other children had been taken from you is a significant matter and had an impact on you, but it needs to be seen alongside your actions in 2022 and 2023 and your reasons for acting as you did.
74. Dr Hillier addresses dangerousness and expresses his observations. The issue is one for determination by me. I have considered the analysis of the issue of dangerousness in the PSR and in Dr Hiller's report and reflected on all of the other details I have including from the Family Court proceedings. The bar for the test to apply is a high one, and in your case I do not find it to be met and so there will not be a finding of dangerousness in relation to you.
75. Today, a further short report of Dr Hiller has been provided to me. I have also read and taken on board what is said.
76. I have made mention of a Sentencing Note prepared by Mr Godfrey and Mr Trefgarne. A supplementary Sentencing Note has also been provided following on from the report of Dr Hiller. I am very grateful for all the observations made on the factual basis for sentence, approach to the guidelines and the import of the reports.
77. On the mechanics of death, Mr Godfrey invites the Court to accept the evidence you gave. He relies on what you were to say in interview as well as in Court. I have dealt in some length with my factual conclusions and for the reasons I have set out already. On the date of death, I have made clear I have accepted it was by 12<sup>th</sup> January 2023.
78. On sentence overall, Mr Godfrey submits that there has been remorse and sorrow expressed by you. He submits that from early on you have accepted the baby died as a result of something you did. He submits that your remorse is genuine. I have made my observations on that already.

**Sentence.**

79. On gross negligence manslaughter (count 4) in your case Gordon there will be an extended sentence of imprisonment mounting to 18 years' with a custodial term of 14 years and an extension period of 4 years.
80. In my judgment Gordon, in your case the dangerousness test is met. I have given consideration to the provisions of s.285 of the Sentencing Act 2020, and whether the seriousness of the offence, or the offence and one or more of the offences associated with it, is such as to justify the imposition of a sentence of imprisonment for life, however I do not find it to be. There will be the extended sentence I have passed on you.
81. Marten, in your case, as the dangerousness test is not met, there will be a determinate sentence, and a sentence of 14 years' imprisonment. In your case I have given consideration as to whether the custodial sentence should be of the same length as that passed in respect Gordon. Having reflected on that issue, I am of the view the custodial terms should be of the same length. The issues around future risks have led me to the conclusion that Gordon should be the subject of an extended sentence and there is therefore that distinction between the two of you.
82. On count 1 [concealing the birth] the sentence in each of your cases are ones of 18 months' imprisonment. With count 2 [child neglect], the sentence in each of your cases are ones of 18 months' imprisonment. On count 5 [perverting the course of public justice] the sentence in each of your cases are ones of 5 years' imprisonment. The sentences on counts 1, 2 and 5 to be concurrent to each other and concurrent to the sentences on count 4.
83. Gordon, what that means is that it is likely you will serve two thirds of the custodial term I have imposed. If released at the end of the custodial term or at the two-thirds point you will be on licence until the expiry of the extended period of licence.
84. Marten, in your case you too will serve two-thirds of the sentence I have imposed and then released on licence. If released you will be on licence until the expiry of the custodial term.
85. As the statutory surcharge applies in this case, the appropriate orders will apply and can be drawn up.

**Commendations.**

86. This was a difficult and painstaking investigation for which many police officers were involved. I express my sincere thanks to all involved. Inevitably, some officers will have undertaken a significant amount of work to bring a case of this nature to court and to a conclusion. I would particularly wish to commend Ian Valentine, Martha Bourne and Leanne Crowdy for their commitment and work on this case.

The Recorder of London

His Honour Judge Mark Lucraft KC

Central Criminal Court.

London EC4M 7EH

15<sup>th</sup> September 2025