



Rex

-and-

Ashley Warren

**Sentencing Remarks of Mr Justice Johnson
Crown Court at Chelmsford, 31 March 2026**

1. Introduction

1.1 You were convicted by a jury of being the owner of a dog which while dangerously out of control caused injury resulting in the death of Esther Martin. The jury also convicted you of an offence of having an article with a blade or point. Today, you pleaded guilty to two additional offences of possession of a prohibited dog.

2. The facts

2.1 Esther Martin was 68. She was a much-loved mother and grandmother. She has been described as kind, fun loving, funny, unique, and “one in a million”. The court has heard deeply moving statements from her daughters Sonia Martin and Kelly Fretwell, and her son Paul Martin. Those statements vividly explain the impact that your offending, and the death of Esther Martin, and the manner of her death, have had on her children and on all who loved her. No sentence can reduce their loss or take away their pain or reflect the infinite value of her life.

2.2 You are 41. You have been convicted of 15 previous offences. Those include offences of robbery, assault and breaching a non-molestation order. The most recent convictions before the matters that are now before the court were in 2015 for two counts of assault occasioning actual bodily harm and affray, putting you in breach of a conditional discharge. On that occasion you were sentenced to a total of 56 weeks’ imprisonment.

2.3 In February 2024, you were the owner of an adult male XL Bully dog. You also possessed an adult female XL Bully dog. They were each large and powerful dogs, even by the standards of XL Bully dogs, weighing 47kg and 39kg. They had a litter of puppies. You kept 8 of the puppies with the adult dogs in your house. You were aware that a law was coming in to ban XL Bully dogs. That law came into force on 1 February 2024.

2.4 You knew that XL Bully dogs was banned from that date. But you did not take any steps to comply with the law and the requirements imposed on those who had XL Bully dogs. None of the dogs were neutered. None were muzzled. You

did not have any certificates of exemption. More than that, you did not properly look after the dogs. They were confined in too small a space. You had not walked them in the 4 weeks prior to Esther Martin's death. That greatly increased the risk of aggressive behaviour from them. When you were challenged about the dogs, as you were, you said you did not care what anyone said, that you did not give a fuck and that you were going to do what you wanted regardless of the rules. Esther Martin was so concerned about the dogs that she was thinking of secretly reporting them.

- 2.5 You knew how even the puppies were capable of causing injuries – you had referred to injuries you sustained from them. And you certainly knew how strong and potentially dangerous the adult dogs were. You knew that Esther Martin could not hope to control them. She was just 5'3", with a history of medical complaints including a hip replacement, osteoarthritis and diabetes. She was not stable on her feet.
- 2.6 On 3 February 2024, you arranged for Esther Martin to look after a pre-teenage child at your home while you went to London to record a music video and to meet a person who you described as your lady friend.
- 2.7 Whilst you were away, it appears the puppies may have started fighting. It is possible that an attempt was made to separate them, and whether in the course of that or otherwise Esther Martin fell to the ground. The two adult dogs responded by attacking her. She was mauled to death. She sustained dozens of dog bites to her back, chest, abdomen, head and limbs. She suffered a catastrophic bleed which resulted in her death. The dogs were so aggressive that police officers were initially unable to enter the property. The adult dogs had to be destroyed because they posed a continuing further risk to life.
- 2.8 Esther Martin was the first person to be killed by an XL Bully Dog after the new law came into force. It was just two days after that law came into force, but it had been widely foreshadowed and advertised for many months.
- 2.9 When you were on your way back home you were arrested by police at Clacton Railway Station. You were found to be in possession of a knife.

3. Dangerous Dogs Act offence

- 3.1 You have a high degree of culpability for the Dangerous Dogs Act offence. That is because you knew that the dog was prohibited and because there are no lower culpability factors.
- 3.2 Your counsel made a submission that you could not reasonably have foreseen the incident. I acknowledge the care and responsibility with which that submission was advanced, but I am sure that you could and should reasonably have foreseen the risk. As well as knowing that the dog was prohibited, you knew it had been pent up in the house for weeks. You knew that the breed was capable of being aggressive and you knew that Esther Martin could not control it. The incident was plainly foreseeable, and indeed had been foreseen by those who had sought to warn you about the dogs. That is so even though there had not been a previous similar incident, even though on other occasions the dogs

had been well-behaved and even if the precise mechanism by which Esther Martin was attacked could not have been predicted.

- 3.3 I accept that the dog was not trained to be aggressive, and so you do not have a high degree of culpability for that additional reason.
- 3.4 I apply the Sentencing Council guideline for this offence, adopting the high culpability bracket. The starting point for sentence is 8 years' custody, with a range of 6 to 14 years.
- 3.5 Your previous convictions are a statutory aggravating feature, but I take into account that you have not previously been convicted of an offence relating to animals and that your last convictions before February 2024 were for offences committed in 2013.
- 3.6 The fact that Esther Martin was not capable of controlling the dogs is not in itself an aggravating factor because that is inherent in the offence. But her physical immobility, her age and her health meant not just that she could not hope to control the dogs but also that she was unable to defend herself from them and was particularly vulnerable to injury. This was a sustained and repeated attack lasting at least 12 minutes and resulting in multiple injuries. You also put a child's life at risk. And you also potentially put at risk the lives of members of the public and emergency responders. That is because on at least one occasion one of the adult dogs had escaped from your home, and because anyone who attempted to break into the house to rescue Esther Martin would have been put at lethal risk. In addition, you had failed to respond to warnings and concerns about the dogs expressed by others and you kept them in conditions which increased the risk that they would become aggressive. A number of these factors arise from your same general attitude and course of conduct. I have been careful not to double count them, but in aggregate they demonstrate a sustained pattern of disregard for the law and for the lives and safety of others. I treat them collectively as a substantial aggravating feature.
- 3.7 As to mitigation, I have taken account of everything that has been put before me on your behalf. Once you were informed of what was happening you took steps to try and arrange for a friend to intervene. You are the sole carer of a child in their early teens. Their mother sadly died. They now face the additional trauma of the incarceration of their father for a substantial period of time, and you face the enforced separation from your child. The principal reason why I asked for a pre-sentence report was to assess the impact on them of your incarceration. The report shows that adequate arrangements have been made for the care of the child, but I take into account, as mitigation, the impact that the separation of custody on you and on them and also the serious medical condition that afflicts the person who will have parental responsibility for you. I have had close regard to a letter written by the child to me.
- 3.8 To the extent that you may have undiagnosed attention deficit hyperactivity disorder there is no evidence that has any impact on your culpability.
- 3.9 You have shown any genuine remorse. You maintained not guilty pleas, thereby putting Esther Martin's family through the trauma of a contested trial, and you

continue to maintain that you are not responsible for Esther Martin's death, claiming it was an unavoidable accident. That is not in law an aggravating feature, but you are not entitled to any reduction in sentence on account of remorse.

- 3.10 The aggravating factors substantially outweigh the mitigation, requiring a substantial uplift from the category starting point.
- 3.11 I will not impose separate penalties in respect of the offences of possession of a prohibited dog, because that is a feature that is relevant to you having high culpability for this offence. I have therefore already taken that into account.

4. Bladed article offence

- 4.1 The starting point for this offence is 6 months' custody. The range is 3 months to 1 year. The knife was carried on public transport for a considerable period of time, but it was kept in a bag and was not brandished. Your previous convictions are an aggravating feature. The same mitigation applies but in this case it outweighs the aggravating feature. I am sentencing you for two different offences of a different character and which are completely unrelated. It is appropriate to pass consecutive sentences. I make a reduction to the sentence imposed for this offence to ensure that the overall sentence passed is just and proportionate and reflects your overall offending behaviour. Given the completely separate nature of the offending, only a modest reduction is appropriate.

5. Ancillary orders

- 5.1 I make a disqualification order for life under section 4 of the Dangerous Dogs Act 1991. That means that you may not in the future have custody of a dog unless or until a court terminates this order. I impose a lifetime disqualification because your conduct demonstrates a sustained and deliberate disregard of the law, the exposure of others to serious and foreseeable risks, a failure properly to care for the dogs and an absence, even now, of any real insight on your part as to your offending. That, together with the catastrophic consequences of your actions, shows a continuing and significant risk to the public if you ever again own or keep a dog. A lifetime disqualification is therefore necessary and proportionate for the protection of the public.
- 5.2 I make a deprivation order in respect of the knife.
- 5.3 I impose the statutory surcharge in the sum of £228 or such other sum as is required by statute.
- 5.4 In the light of such evidence I have as to your means, and the lengthy custodial sentence that I will impose, I do not make an order that you make any contribution towards the prosecution costs.

6. Sentence

- 6.1 Only a custodial sentence can be justified for these offences. As required by law I will impose the shortest sentence that is commensurate with the seriousness of the offences.
- 6.2 You will serve 40% of the sentence I impose in custody. After that you will be released on licence. You must comply with the terms of the licence and commit no further offence or else you will be liable to serve a further period in custody.
- 6.3 For the offence under the Dangerous Dogs Act, I sentence you to 10 years' imprisonment.
- 6.4 For the offence of being in possession of a bladed article, I impose a consecutive sentence of 3 months' imprisonment.
- 6.5 The overall sentence is therefore 10 years and 3 months imprisonment.