



JUDICIARY OF
ENGLAND AND WALES

R v Ben Raftery
Manchester Crown Court
3 May 2013
Sentencing Remarks of Mr Justice Saunders

The jury have convicted this Defendant of the murder of Roxie Archer. She was just under two years of age at the time that he killed her. It was an appalling crime which involved a grown and powerful man inflicting a number of hard blows on a toddler which were sufficiently forceful to cause devastating brain damage from which she died. The Defendant was not the father of Roxie. He was living with Roxie's mother at the time and had been entrusted with the care of Roxie for 24 hours while her mother was away.

It had previously been arranged that Roxie would be looked after by her grandmother. I am satisfied that that arrangement was changed to the Defendant having her for a day at the insistence of the Defendant rather than at Sophie's request as he said.

At about 5 pm the Defendant told Roxie's grandmother on the phone that Roxie had suffered an injury by walking into a door at McDonald's. He later posted the same story on Facebook. He has admitted that that account was a lie. I do not believe his explanation for that lie. I am satisfied that he lied to cover up an injury that he had caused to Roxie by that time. That was not the only injury inflicted. How the Defendant caused any of the injuries to Roxie is not clear but the jury have clearly rejected the Defendant's account that they were caused by an accidental fall down the stairs.

I have read a victim impact statement from Roxie's mother. The extent of the suffering that this has caused to Roxie's family and in particular to Roxie's mother cannot be fully appreciated by any of us who have not gone through it. Roxie was a much loved only child who was the centre of her mother's existence. I have no doubt that she will never completely get over her loss.

By law the sentence is one of life imprisonment for the offence of murder and that is the sentence that I will pass but in addition I have to fix the minimum period that the Defendant must serve before he can be considered for parole. It is important that the public understand what that means. It means that fixes the time at which the Parole Board can first consider his release. It does not mean that he will be released at that time or will ever be released. That is a decision for the parole board depending on their view of the danger that he presents to the public and in particular to young children. Even if released, he will remain on licence for the rest of his life subject to being recalled to prison if he breaches that licence.

In fixing the minimum term I have in mind the provisions as to starting points and aggravating and mitigating factors set out in Schedule 21 of the Criminal Justice Act 2003. It is agreed by counsel and I accept that the starting point is 15 years. The aggravating factors are that Roxie was particularly vulnerable because of her age and that at the time of the offence the Defendant was entrusted with the sole care of Roxie. Those are agreed. The Prosecution contend that in addition I should conclude that Roxie suffered pain and suffering before her death. While I am satisfied that at least one injury was inflicted on Roxie by the Defendant before 5 pm which caused the McDonald's lie, I cannot be sure that that was a serious injury indeed I think it is likely that it was not. Further injuries were

inflicted by a number of blows at a later stage. There is no evidence that they were not all inflicted at the same time and I cannot be sure that they weren't. I only give limited effect to that aggravating factor. The mitigating factors are that this was an unpremeditated attack although it may not have been limited to one assault. The Defendant is a man of good character. While I accept that Roxie may not have been easy to look after that day as she was not well and the Defendant had limited parenting experience, I do not consider that to be of great significance when he only had to look after her for one day and it was at his insistence that he had the care of her.

I will give some but limited weight as a mitigating factor to the Defendant's age. He was 20 at the time of the offence.

Aggravating and mitigating factors do not have the same weight when considering the appropriate sentence. In this case Roxie's age and the breach of trust are particularly significant.

Ben Raftery I sentence you to life imprisonment. The minimum period that you will have to serve before you are eligible for parole is 18 years.