



JUDICIARY OF
ENGLAND AND WALES

In the Central Criminal Court

Stuart Hazell

Sentencing Remarks

14th May 2013

Mr Justice Nicol

You may remain seated for the time being

Stuart Hazell, You have pleaded guilty to the murder of Tia Sharp. Tia was 12 years old when she died. She was the grandchild of Christine, your partner. You had known her for many years. Christine says she idolised you. She was certainly happy to spend much time in your company and it was she who asked to come and visit you on that Thursday in August of last year. She was a sparky girl who was full of life, but you took that life from her. All that lay ahead of her - a career, loves and family of her own – will now never be. And the loss of her has been devastating for her mother, her father and all of her relatives and friends. The tragedy of their loss and her death is because of your act in murdering Tia Sharp. You are responsible.

The scientists have not been able to say for certain how Tia died, but the likelihood is that she was smothered or otherwise prevented from breathing.

There is only one sentence for murder. It is life imprisonment.

But the law requires me to fix the period which must pass before you are eligible for release on licence, or to decide that you should never be released.

The latter kind of order is sometimes called a whole life tariff and may be made if the seriousness of the murder is exceptionally high. One way that test can be met is if the murder is of a child and it involved sexual motivation.

There is no doubt that you had developed a sexual interest in Tia. The records of your internet searching on your mobile phone make abundantly clear that you were looking out for pornographic pictures of pre-teen girls, which Tia was; pornographic pictures of girls who wore glasses, which Tia did; even pictures involving incest. Tia was not your blood relation, but there was the bond between you because of your relationship with Christine and, from time to time, you referred to yourself as

Tia's grandfather. You took pictures of Tia while she was asleep. In other contexts, they would have been of no interest, but your internet activity included searches for pornographic pictures of young girls sleeping.

And then there was the photograph of the naked young girl with her bottom towards the camera. Her face is not visible, but it must be Tia. She is lying on Tia's bed and for reasons which the prosecution have explained and your counsel does not challenge, the picture must have been taken early in the morning of Friday 3rd August. Blood can be seen on the genitalia and on the bed. Blood was found on the bedding in Tia's room and it was her blood. Semen was found on the bedding as well. It was your semen. A dildo was found in the drawer of a bedside table in your room. It had Tia's blood and Tia's DNA on it. Your counsel accepts that the only sensible conclusion which I can draw is that there was sexual conduct of some kind between you and Tia at some point over the night 2nd and 3rd August.

But I have had to decide whether the murder of Tia involved sexual motivation. The prosecution say that I can draw that conclusion, not only from the facts which I have mentioned but because of the evidence that the photograph of Tia was taken after her death. Dr Fegan-Earl, who carried out the post mortem on Tia, said that the mottling which can be seen on parts of the body in the picture was highly suggestive of hypostasis, a condition which only arises after death. Dr Deborah Hodes, a consultant paediatrician, agreed that the skin changes were compatible with changes one would expect to see after death. The prosecution also point to the timing of the photograph, which was some time after 6.26am on Friday 3rd August and several hours after Tia can be last seen to have been using her mobile phone at 12.42am that day.

I think it is more likely than not that the doctors are right. However, in a criminal case that is not good enough. The criminal standard of proof is applicable. I have to be sure. It is a truism that a photograph is a product of light, camera quality and other matters. I cannot exclude the possibility that the mottling on which the doctors rely is a product of these features, and possibly natural colouration, rather than hypostasis. The interval since Tia last used her phone could be alternatively explained by her simply being asleep.

In the photograph the anus and the vagina appear dilated. That can happen after death. It does not necessarily represent sexual assault. When he examined Tia's body, Dr Fegan-Earl found no tearing or injuries in Tia's anus, rectum or vagina. No semen was found in those areas. There was, therefore, no pathological evidence that Tia had been sexually assaulted, but it could not be excluded. The dildo, with Tia's blood and DNA, points to another explanation for the condition of her body. So I cannot be sure from these features either that the photograph was taken after Tia had died.

I come back to the question of whether I can be sure that sexual motivation was involved in Tia's murder. I have decided that I cannot. Sexual activity and conduct took place not long before her death, but in order for sexual motivation to be involved in her murder, there would need to be a closer connection than that. Shame and fear of what might happen if Tia talked are just two of the alternative possible motives behind her killing.

So I have concluded that this is not a case where a whole life tariff should be imposed.

But this is plainly a murder which involved sexual conduct. Its seriousness, therefore, is particularly high. That means the starting point for calculating the minimum term is 30 years.

The minimum term which I will impose should not be confused with a determinate sentence of the same length. Because a determinate prisoner is released at the half way point in his sentence, a life sentence with a minimum term is the equivalent of a determinate sentence of double that length. So

for instance, a 30 year minimum term is the equivalent of a determinate sentence of 60 years. And there are two further important differences. A determinate prisoner knows that he will be released at the half way point. Someone sentenced to life imprisonment, as you will be, will have no guarantee of release once the minimum term has passed. It will be for the Parole Board at that stage to say if it will be safe for you to be set free. And even then, freedom will be relative. You will remain on licence for the rest of your life. If you commit another offence or otherwise breach your licence, you may be re-detained.

But 30 years is just the starting point. I have to consider as well the aggravating and mitigating circumstances. Here the aggravating features are notable and serious. I have already commented on Tia's age. It is an aggravating feature that your victim was so young. So, too, is your gross abuse of trust. Tia's mother allowed her to come and stay with you because she trusted you to look after her. Christine was at work that night. She trusted you to look after her. By first sexually assaulting and then killing Tia you betrayed that trust in the most grievous way possible. And that breach of trust reverberates still. Tia's mother has spoken of how she now finds it hard to trust other people in many other ways. I have said that I cannot be sure that the photograph of Tia was taken after her death, but, whenever the picture was taken, it shows that, beyond the sexual assault itself, you further degraded that young girl by photographing her in such a dreadful position.

And then there was the concealment of Tia's body in the loft of your house. Because of this her family had to suffer the agony of uncertainty as to what had happened to her. And time after time, you spun the wholly false story that Tia had left home on the Friday morning and just disappeared.

You have a number of previous convictions. They include supplying cocaine for which you were sent to prison for 34 months in 2003 and possessing a machete for which you were sent to prison for a year in 2010. I accept, though, that none of the convictions was for a sexual offence. You have a caution for causing grievous bodily harm in 2006. I am told that was for punching someone in the street. I accept that none of your convictions were for serious violence.

In mitigation, you had an unhappy childhood. You had very little contact with your mother and you were placed in care when you were very young. You have a psychiatric history of depression, self-harm and suicide attempts. A consultant psychiatrist considers that you fulfil the criteria for Unsocialised Conduct Disorder. Your poor coping strategies led you to drugs and alcohol. None of these matters is an excuse for what you did to Tia, but they are matters which I can, and do, take into account in fixing the minimum term. I accept as well that there is no evidence that Tia's murder was premeditated.

There is finally your plea of guilty. It has come very late: on day five of the trial and the day before the prosecution was due to close its case. Your counsel says that you wished to avoid causing further distress to Tia's family. That is very commendable, but they have had to endure 4 days of a very public trial. Although much of the evidence has been by way of Agreed Facts and statements which could be read to the jury, the prosecution had to deal with the account of Tia's death which you gave to prison officers and your father – a wholly fictitious account of Tia falling down stairs and dying as a result of an accident. And so it was necessary for the prosecution to lay out for the jury your sexual interest in Tia and for the jury to see the photograph of Tia naked. Your plea of guilty has spared the family none of that. It may be the first act of remorse, as your counsel says, but, because it comes so late, I am afraid it will earn you only the most modest of credit.

I have taken account of all these circumstances in reaching a final view on the appropriate minimum term.

From that minimum term, the time you have spent on remand will be deducted. I am told it is 272 days, but if that is wrong it can be corrected administratively.

Stuart Hazell stand up

For the murder of Tia Sharp you are sentenced to life imprisonment. The minimum term will be 38 years.