JUDICIARY OF
ENGLAND AND WALES

In the Central Criminal Court

R -v- Arthur Simpson-Kent

Sentencing remarks by Mr Justice Singh

5 October 2016

[The Defendant may remain seated for the time being.]

Introduction

1. On 10 June 2016 the Defendant pleaded guilty to three counts of murder. His victims were Sian Blake, who was his partner and aged 43; and their two sons Zachary Blake-Kent, who was aged 8, and Amon Blake-Kent, who was aged 4.

2. The murders took place at some point during the night of 14-15 December 2015 at the family's home in Erith, South East London.

3. I am grateful to Lindell Blake, Sian Blake's mother, and Cheryl Golding for their victim personal statements. They both speak eloquently to the impact which these deaths have had on the family and friends of Sian Blake. Nothing I say can begin to compensate for their tragic loss but I offer them all my sincere sympathies.

Factual outline

4. Sian Blake was a successful actress and more recently had been doing work such as voiceovers and deaf language interpretation. She first began to suffer neurological symptoms in September 2013. From June 2015 she was under the care of Mr Robert Hadden, a consultant neurologist. In October 2015 the most likely diagnosis was motor neurone disease but further tests had to be conducted. Mr Hadden last saw Sian Blake on Friday 11 December 2015. He confirmed his diagnosis, prescribed medication to slow the progress of the disease and referred her to the motor nerve clinic. To Mr Hadden she seemed distressed and depressed. He took this to mean that she accepted that she had a terminal illness. She was very weak and could hardly make any movements with her hands. Although she could walk unaided, this was slow and unsteady.

5. It is clear from the evidence before the court that the relationship between the Defendant and Sian Blake's family was not good. There was little, if any, contact between them by this time.

6. Neither Zachary nor Amon attended formal school. They were educated at home. However, Sian Blake's condition in 2015 led her to think about their future education. It is clear on the evidence before the court that she was contemplating that they would attend a school in Greenwich from April 2016.

7. It is also clear from the evidence that Sian Blake continued in December 2015 to take an interest both in her work and in properties which she owned with her sister and which she let to tenants.

8. In my view the evidence before the court is inconsistent with any suggestion that Sian Blake either wished to have her life terminated or agreed that the Defendant should take her life. For the avoidance of doubt I should make it clear that, at the hearing before me, Mr Sturman QC, who has appeared on behalf of the Defendant, disavowed any such suggestion.

9. The manner in which the Defendant killed his victims in this case was truly horrific. Although the murder weapons have never been found, the evidence, including the pathology evidence, is consistent with his having killed each of his victims in turn, first Sian Blake and then each of the boys. It is consistent with his doing so with repeated blows with a blunt instrument, using severe force, and then by using a bladed weapon.

10. Post mortem examination carried out on 6 January 2016 established that, in relation to Sian Blake, the cause of death was head and neck injuries. There was evidence of blunt force trauma to the back left hand side of her head. At least five blows were used. Her skull was fractured. The injuries to the head would have had the capacity at least to render her unconscious and were a significant contributor to her death. There was also a deep incised wound to the left hand side of her neck, involving numerous blood vessels (including the left jugular vein), and also cutting into the front of the larynx and cervical spine. This had the capacity to be independently fatal. The evidence suggests that this was inflicted after the blunt force injuries were caused, since there is no evidence of blood inhalation. There were no classic defence wounds but there were deep bruises over the arms and the back, suggesting gripping or some level of struggle.

11. In relation to Zachary, the cause of death was head and neck injuries. There was evidence of blunt force trauma to the back left hand side of his head. There were skull fractures and associated brain changes. Multiple blows were used. This would have had the capacity to render him unconscious at least and could independently have proved fatal. There were also two major incised wounds to the throat, which together virtually encircled the neck, cutting deeply into the muscles. Major blood vessels had been incised. There was also a stab wound to the chest, which passed through the chest cavity and diaphragm into the liver. All of the incised wounds appeared to be bloodless, suggesting that they were caused at or just after death. There were injuries present at the top of his back, which suggests either a struggle or restraint, with those on the left shoulder being suggestive of fingertip gripping.

12. In relation to Amon the cause of death was head injury. Blunt force trauma had been applied to the back left hand side of his head. The skull was fractured. There were contusions to the brain. These injuries would have had the capacity to cause

unconsciousness at least and could independently have proved fatal. There was also a stab wound to the back of the neck. This was associated with a number injuries to the back of the scalp and amounted to a deep penetrating stab wound, which passed through the base of the skull and into the cervical spine, damaging the cervical cord. This would have been an independently fatal injury. There were no classic defence wounds. There were marks consistent with gripping and what may have been struggle or restraint, although these were less marked than those seen on the bodies of the other two victims.

13. The bodies were found buried in the garden of the family home on 5 January 2016. Each body had been individually wrapped in plastic material and sheeting. Concrete slabs had been placed on top of them and then soil. Attempts had been made to hide the fact that the soil had been disturbed.

14. Sian Blake's body was naked and drawn into a tight foetal position. The boys' bodies were also naked. There was no sign of abuse.

15. Detailed examination of the premises, including luminol examination, revealed blood staining in a number of rooms, which would not necessarily be visible to the naked eye. There were signs of recent attempts to paint some of the walls with a paint roller. I have seen photographs, which indicate to me that these were hurried attempts to cover something up rather than normal redecoration.

16. On 16 December 2015, the Defendant appears to have removed all of the possessions of Ms Blake and the two boys, including their clothes, coats and shoes. To this end he made contact with a charity furniture shop on that date. At some point, the Defendant burnt various items in the garden of the family home.

17. On the afternoon of 16 December the Defendant was visited by police officers. He was uncooperative. Eventually he let them into the house. He told the officers that Sian Blake had been fed up with the tension between the Defendant and her family and that she had decided to go and see a friend in Cambridge with their children.

18. The Defendant then made arrangements to leave the UK for Ghana. In this context he took Sian Blake's mobile phone. He used that phone to send some messages pretending to be Sian Blake. The phone would also connect to the network via GPRS and would therefore give the impression that Sian Blake was still alive and that she was the person who was travelling around.

19. On 16 December 2015 at 10.23am a text message was sent from Sian Blake's phone to her sister Ava, which said:

> "Hi Ava I am taking time to myself and my children without constant opinions from family and friends. Opinions that upset me and then upset my children. Nobody knows what I am going through and regardless of all the comments, no one can cure me. I have had enough of appeasing everyone. We are away and I will not be calling or speaking to anyone for a few months."

20. Of course, by that time, Sian Blake was in fact dead.

Relevant legislation

21. The mandatory sentence for murder is one of life imprisonment. I must then consider the starting points which have been set out by Parliament in Sch. 21 to the Criminal Justice Act 2003. It is common ground in this case that the only two starting points which are potentially relevant are those set out in paras. 4 and 5 of that schedule.

22. Para. 4 provides:

> "(1) If –
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> (a) the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is exceptionally high, and
>
> (b) the offender was aged 21 or over when he committed the offence,
>
> the appropriate starting point is a whole life order.
>
> (2) Cases that would normally fall within sub-paragraph (1)(a) include –
>
> (a) the murder of two or more persons, where each murder involves any of the following –
>
> (i) a substantial degree of premeditation or planning …"

23. Para. 5 provides:

> "(1) If –
>
> (a) the case does not fall within paragraph 4(1) but the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is particularly high, and
>
> (b) the offender was aged 18 or over when he committed the offence,
>
> the appropriate starting point, in determining the minimum term, is 30 years.
>
> (2) Cases that (if not falling within paragraph 4(1)) would normally fall within sub-paragraph (1)(a) include -
>
> …
>
> (f) the murder of two or more persons …"

24. Having chosen a starting point, the court should take into account any aggravating or mitigating factors, to the extent that it has not allowed for them in its choice of starting point: see para. 8. Detailed consideration of aggravating or mitigating factors may result in a minimum term of any length (whatever the starting point), or in the making of a whole life order: see para. 9.

25. I will refer to the provisions of paras. 10 and 11 when I return to the facts later. However, I note at this stage that, as was common ground, those provisions are not exhaustive of aggravating and mitigating factors.

Relevant principles

26. The relevant legal framework was common ground at the hearing before me. It was set out in detail at paras. 2-18 of the note on sentence dated 20 September 2016 by the Prosecution, with which the Defence agreed in their response dated 27 September 2016, at para. 2. It is therefore unnecessary to set out that framework at length here, although I have had full regard to it. Many of the authorities to which both the Prosecution and the Defence have drawn my attention were recently summarised by the Court of Appeal (Criminal Division) in Wadkin and Gomez v R [2016] EWCA Crim 1047, in which I gave the judgment of the court. In particular it was said at para. 21:

> "In R v Reynolds [2015] 1 Cr App R (S) 24 the judgment of this court was given by Lord Thomas CJ. At para. 5 the court said that it was necessary to refer briefly to the decisions of this court in R v Jones (Neil) [2006] 2 Cr App R (S) 19, where this court (in a judgment given by Lord Phillips CJ) gave guidance as to the application of Sch. 21; and R v Oakes [2013] 2 Cr App R (S) 22, where this court gave further guidance in a judgment given by Lord Judge CJ. The court continued:
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> > "Even though the assistance given in those decisions will be considered by a judge before determining whether a whole life order is required, we would simply emphasise four points.
> >
> > i) The guidance given in Sch. 21 is provided to assist the judge to determine the appropriate sentence. The judge must have regard to the guidance but each case will depend critically on its particular facts. See Jones at [6].
> >
> > ii) Where a whole life order is called for, often, perhaps usually, the case will not be on the borderline; the facts will leave the judge in no doubt that the defendant must be kept in prison for the rest of his life: see Jones at [10].
> >
> > iii) The court should consider the fact that the defendant has pleaded guilty to murder when deciding whether it is appropriate to order a whole life term: see Jones at [15]. The Guideline of the Sentencing Guidelines Council which states (in its 2007 Revision) at para. 6.6.1 'where a Court determines that there should be a whole life minimum term, there will be no reduction for a guilty plea', must be read along with the observations in Jones.

iv) The whole life order is reserved for the few exceptionally serious cases where, after reflecting on all the features of aggravation and mitigation, the judge is satisfied that the element of just punishment requires the imposition of a whole life order: see Oakes at [29]."

The factual issues as between the parties

27. Normally there would be a written basis of plea where there has been a guilty plea, unless the Defendant accepts in its entirety the Prosecution version of events. There is no such agreed basis of plea in the present case. However, it has not been necessary for there to be a Newton hearing. The Prosecution filed a detailed note for opening dated 2 October 2016. The Prosecution and Defence submitted a joint document dated 13 September 2016, which sets out the limited extent to which the facts are in dispute between the parties. The Defence accepted that many of the "disputes" are in fact immaterial to sentence and that any submissions could be made on the face of the papers in this case. Furthermore the Defendant acknowledges, through that note, that the court may well choose to reject his account, not least because the decision was taken that no evidence would be called for the Defence.

28. Of significance in my judgment is the following concession made by the Defence at para. 2(d) of the joint note:

> "It is accepted that death in the manner it was inflicted, and at the time it was caused, had never been discussed. This is a guilty plea to triple murder, it is accepted that this is not a suicide pact, and that the boys could not and did not consent to dying."

29. While I accept that there is evidence before the court that Sian Blake was depressed, in particular after learning of her terminal diagnosis in December 2015, as I have already indicated, she was planning for the months ahead both in relation to her own interests and in relation to the boys' education.

30. Furthermore, although the Defendant is adamant that he intended to take his own life after he had killed the others, but that his "courage" failed him, I do not accept that contention. In my judgment it is inconsistent with the actions of the Defendant, in particular in the time immediately after the murders and in the subsequent months.

Psychiatric evidence

31. The court has before it a report by Dr Philip Joseph, a consultant forensic psychiatrist. Dr Joseph was instructed by the Defence although he has prepared his report having in mind that his overriding duty is to the court.

32. Dr Joseph conducted an interview with the Defendant, at which he asked the Defendant to describe his state of mind which led to his decision that the only solution was to kill Sian Blake, the children and then himself. His reply, as recorded at para. 26 of the report, was as follows:

> "I was losing hope. I find it very difficult to explain what I was thinking. In the week before the killings I believe there was something mentally wrong with me. I was depressed and angry at the situation. I had tried so hard and the children were keeping me going. My composure was breaking down, the ability to bottle my feelings up was going. I had not made a plan of what to do or when to do it."

33. Turning to the events of the night of 14 December 2015, the Defendant gave this account to Dr Joseph, as recorded at para. 32 of his report:

> "Something just snapped in me. Everything came out, feelings of anger and depression and the unfairness of the situation. I was tired and emotional and in turmoil about what her family were doing to her. I felt as if I had just been pushed off a diving board and was falling. I grabbed hold of a small axe that was kept on a ledge in the kitchen. Sian's head was bent low down and she was bent over looking at the floor. I approached her from the side and hit her at the back of her head as hard as I could and she fell unconscious after the first blow. After that I hit her repeatedly on the head. My mind was blank and I was focusing on doing and not thinking. It was like I was there but not there."

34. As Dr Joseph notes at para. 33:

> "I asked the Defendant when he started attacking Sian if it was also in his mind that he would kill the children and then himself. He thought about this and said it must have been in his mind. He then went into the rooms of Zachary and then Amon, they were both asleep and he attacked them with the axe with the intention of killing them as quickly as possible. He would not have been able to attack them if they had not been asleep and neither child woke up. He then picked up Amon and put him in Zac's room, and then brought Sian into the same room. He went to get a knife from the kitchen and cut their throats to ensure that they were dead. The Defendant told me that he realised he was doing something wrong and illegal when he killed the three of them."

35. At para. 34 Dr Joseph records that the Defendant told him "that his plan was to then kill himself with the same knife." However, he just stood there and did not do so. "Although he still had the knife, he felt all the power had drained from him and he no longer had the willpower to kill himself." The Defendant said that he decided instead to return to Ghana and kill himself there. As I have already mentioned, I do not accept that account by the Defendant. My view is reinforced by what Dr Joseph states in his conclusions at para. C7:

> "… There is no evidence that he was depressed for example, either before or after the killings, and he has not provided any convincing explanation as to why he did not kill himself as planned despite the long period of time following the killings and his subsequent arrest. It is notable that he has shown no evidence of a depressive illness or suicidal thoughts since his remand into custody, despite the fact that not only is

he having to come to terms with the fact that he killed Sian and the children, but he is also facing three counts of murder."

36. At para. C5 of his conclusions Dr Joseph says:

> "… The Defendant has no history of mental illness and there is nothing to suggest that he was suffering from symptoms of mental illness, for example a depressive illness, in the period surrounding the killings."

37. However, Dr Joseph also concluded that the Defendant does show features which are consistent with a narcissistic personality structure: see para. C3 of his report. He goes on to state at para. C4:

> "Features in this Defendant of a narcissistic personality, which affect about one per cent of the population, include a grandiose sense of self-importance, requiring excessive admiration, has a sense of entitlement, is interpersonally exploitative, puts his own needs over those of others, lacks empathy and shows arrogant, haughty behaviours or attitudes."

My assessment

38. I am grateful to all counsel for their detailed submissions in writing and at the hearing before me. I have taken all matters fully into account even if I do not specifically refer to a point which has been made. In particular I have carefully taken into account everything that Mr Sturman has said by way of mitigation.

39. The Defendant is aged 49 and was a man of hitherto effective good character. In particular there is no evidence of previous violence.

40. The Defendant had the difficult task of caring for Sian Blake and their children as her health deteriorated and the outlook became more bleak.

41. The Defendant accepted what he had done at an early stage, including when he was arrested in Ghana. I accept that he entered guilty pleas at the first reasonable opportunity, after psychiatric evidence had been obtained, which made it clear that there was no defence to the charges of murder.

42. However, I do not accept Mr Sturman's basic submission, which is that this is not an exceptional and rare case in which just punishment requires the imposition of a whole life order. I accept the primary submission made on behalf of the Prosecution by Mr Heywood QC that this is such a case.

43. First, I accept Mr Heywood's submission that this case falls within para. 4(2)(a)(i) of Sch. 21 to the 2003 Act. In my judgment this was indeed a case where each murder involved a substantial degree of premeditation or planning. At the very least that must be true of the murder of each of the two little boys individually and in turn after the Defendant had already killed Sian Blake.

44. Further, and in any event, there were serious aggravating features of this case. Each of the victims was "particularly vulnerable because of age or disability": see para. 10(b) of Sch. 21.

45. There was an "abuse of position of trust": see para. 10(d). Indeed Mr Sturman fairly accepted that it was a gross abuse of trust.

46. There was concealment of the bodies: see para. 10(g) of Sch. 21.

47. In addition, as I have already mentioned, there were the aggravating features in what the Defendant did after he had committed these murders. He made efforts to remove evidence of his crimes at the house, including repainting. He sought to lay a false trail by using Sian Blake's mobile phone. He lied to the police and others about the whereabouts of the family. He escaped abroad by going to Ghana, although I do accept that, after he had been arrested there, he agreed to his extradition back to the UK.

48. Having considered the matter very carefully and bearing in mind the gravity of the case, I do not consider this to be a borderline case. I have been left in no doubt that this is one of those exceptional and rare cases where the requirements of punishment mean that a whole life order must be imposed, even after taking into account the mitigating factors.

49. The legislation on surcharges applies to this case and an order will be drawn up accordingly.

[The defendant should now stand up.]

50. Arthur Simpson-Kent: the sentence of the court is a mandatory sentence of life imprisonment on each of these three counts of murder.

51. In the case of each of these three counts, because of the exceptional seriousness of the offences, the early release provisions do not apply and so the sentence is a whole life order.