

Neutral Citation No: [2024] NICC 16

Ref: [2024]NICC16

*Judgment: approved by the court for handing down
(subject to editorial corrections)**

ICOS No: 23/026433

Delivered: 14/06/2024

IN THE CROWN COURT FOR THE DIVISION OF LONDONDERRY

THE KING

v

HAYLEY ROBB
JILL ROBINSON
and
ROSE DE MONMORENCY-WRIGHT

SENTENCING REMARKS

HHJ NEIL RAFFERTY KC

Victim Statements

[1] I will start these sentencing remarks the way I always start sentencing remarks of this kind by first referring to the victim statements. In this case I have received numerous statements which bear testimony to the character of Katie Simpson. They also, tragically, reveal the devastation and loss which is heartfelt by all those who knew her and particularly by her family.

[2] Noleen Simpson, Katie's mother, tells me about the devastation she felt when told that "my beautiful daughter had taken her own life." As a mother, she sat with Katie in the hospital frustrated and angry and not knowing how to comfort her daughter. The thought that Katie had taken her own life was the source of incredible pain and she states "...if any of the girls had been truthful about what they knew, I would have been so much better able to comfort her if I could have said we know what happened [to] you." She adds, "If I had known, Jonathon Cresswell would never have been at Katie's bedside."

[3] Christina Simpson, Katie's sister, writes that "Since the loss of Katie there is a void that will never be filled." She concludes that "I would describe Katie as loving, feisty, hard working and loyal. I remember Katie saying that she was looking

forward to my seven-year-old daughter starting to ride horses. She is riding horses now and Katie will never get to see that.”

[4] Rebecca Simpson, Katie’s sister, writes “Katie was the most ‘imperfect’ and ‘perfect’ sister. She was just as a sister should be. She was the “fun aunt.” In describing Katie’s loss, she states “I have lost all hope in this world and people. I have become fearful of what the future holds for my girls. My daughter was born two weeks after Katie died, and I feel devastated that she will never get to meet her.”

[5] Katie’s brother John writes in a short but painful and heartfelt way. “My name is John Simpson, and I am a brother of Katie’s. I miss Katie, horse riding with her and playing football and playing Super Mario. I feel sad.”

[6] Katie’s grandparents, Colm and Angela Mullan, write about Katie and how her loss has affected them. Colm writes “I didn’t want to believe that she was dead. I want her back, back at the horses, everyone in Katie’s family wants her back.” He describes how Katie was “...so good to her nieces and nephew that are now in our house playing away just like Katie did” when she was a young child. He describes the pride he has in all Katie’s achievements and how her loss means no one in the family will ever be the same. Angela writes about when Katie was a young child. She describes how “Katie was like giving us a new energy. Her being so lively made the house fun again. The shock and sudden loss of Katie is the worst I have ever felt...no-one should have to bury their grandchild.”

[7] Conor and Colleen McConville, Katie’s aunt and uncle, write about Katie. Colleen describes Katie as “very fun loving” and a “genuine caring person.” She was “a lovely girl that always put others in front of herself.” Katie’s death has left her “a mess with grief, anger, tears from crying, and stress.” She describes the pain from knowing that she is never going to see Katie again as “heartbreaking.” Conor writes “What can I say about Katie? A good girl. A Brilliant girl. Brilliant niece. Hard worker for someone so young. Brilliant sister to her wee brother and older sisters. Brilliant in every way.” He visits her grave every Friday and writes “Katie will always be missed and never forgotten.”

[8] Outside of the family circle, Katie had many friends and touched many lives. Chloe Scott, a friend from childhood, writes that when she wakes up in the morning Katie is her first thought. She says of Katie that “She was unique, beautiful and fun loving and there is a huge hole left that can never be filled.”

[9] It is clear from everything that I have read that Katie Simpson was a fun loving, caring, talented horsewoman who was loved deeply not only by her family but also the many friends which she had. Her loss, and the circumstances of it, have left very many people shocked, devastated and angry that her passing has so cruelly deprived her of the bright future which she undoubtedly would have had. I take the time to address the victim statements in cases like this because victims often listen to sentencing remarks which deal with defendants and mistakenly think the sentencing

is “all about them.” It isn’t. However, any proper sentencing exercise requires an examination of the guidelines and the defendants’ circumstances, and it is to that exercise that I now turn.

Sentence/Background

[10] The facts of this case were opened at length in the opening to the murder trial of Creswell. They have also been opened by the prosecution as part of the plea and sentence exercise relating to these three defendants. I will not rehearse them other than is relevant to these defendants. Following his assault on Katie Simpson, Creswell tried to make her condition and her subsequent death look like a suicide. Together with others, he disposed of and interfered with evidence with the inevitable consequence of misleading those investigating her death. Accounts were provided by Creswell and these defendants which were intended to and had the effect of protecting Creswell from being suspected of having a role in her death. Mr Creswell himself created a fiction, pretending to others he had found Katie, hanging in a stairwell from a strap, claiming she had taken her own life. These defendants did not know the truth about how she had met her death. However, they ascribed to and were complicit in his conspiracy of silence with regards to a number of critical facts and in Robb and Robinson’s case engaged in positive acts, the result of which was to mislead those trying to get to the truth of what had happened to Katie Simpson.

[11] The three defendants in this case are to be sentenced for the following offences:

- (i) Hayley Robb faces 1 count of withholding information contrary to the Criminal Law Act (Northern Ireland) 1967 and two counts of Perverting the Course of Justice contrary to Common Law.
- (ii) Jill Robinson faces one count of Perverting the Course of Justice contrary to Common Law.
- (iii) Rose De Montmorency-Wright faces a single count of withholding information contrary to the Criminal Law Act (NI) 1967.

[12] All three pleaded guilty after arraignment but far in advance of trial. I am told by the prosecution that their pleas were on an “agreed basis” and that their pleas were of value to the prosecution as a whole. Indeed, Robb had made a statement of evidence after her plea and was added to the prosecution’s witness list for the trial of Creswell. Her proposed evidence featured in the prosecution’s opening on the first day of the trial.

Agreed basis of plea

[13] I have decided to replicate in full the agreed basis of plea in relation to each defendant. I have done so for clarity because I am aware that there has been much speculation and reporting with regard to this trial and the sentencing of these defendants as to their precise role and to what they knew at the time. It is perhaps proper to set out clearly that the central theme to all of the agreed basis of pleas are that all three defendants were operating in the belief, given to them by Creswell, that he had assaulted Katie prior to her alleged "suicide." The alleged "suicide" was entirely a fiction created by Creswell. The agreed facts upon which I must sentence in relation to each defendant are.

[14] Hayley Robb pleaded guilty on 15 December 2023 on the following basis:

- (i) The defendant accepts she is guilty of Count 4. She failed without reasonable excuse to give information to the police within a reasonable time.
- (ii) The defendant did not know or believe that Creswell had murdered or killed the deceased, she thought he had been involved in an assault upon the deceased, and that he had assaulted her causing her actual bodily harm.
- (iii) The defendant was aware that the police would be investigating the circumstances of Katie's death and was aware that Creswell did not want police to know about his assault on Katie or to find the blood on clothes in the course of their investigation.
- (iv) The defendant at police interviews eventually provided an account which the prosecution accept was to the best of her abilities in relation to what happened.
- (v) The defendant accepts she is guilty of counts 5 and 6 being offences of perverting the course of justice in that she cleaned blood at the home of Creswell and that she took clothes belonging to Creswell and washed them.
- (vi) The defendant believes the cleaning of the blood was some days after the now known event, she has agreed with the police at interview that it was the 3rd but thinks that may not be correct.
- (vii) The defendant did what Creswell asked her to do.
- (viii) It is agreed that the defendant at interview with the police admitted to them what Creswell had asked her to do, namely, to clean at his home and that she took clothes belonging to Creswell and washed them.

(ix) The pleas of guilty merit significant credit. The defendant has engaged with the prosecution to present an agreed basis of plea. She is the first defendant to so engage. She has made admissions at interview.

[14] Jill Robinson pleaded guilty on 19 January 2024 on the following basis:

- (i) The defendant accepts she is guilty of Count 6.
- (ii) The defendant did not know or believe that Creswell had murdered or killed the deceased.
- (iii) The defendant was aware that the police would be investigating the circumstances of Katie Simpson's death and was aware that Creswell did not want police to find his clothes and examine them during their investigation. Hayley Robb brought clothes to Robinson's home and told Robinson that Creswell wanted the items to be washed. The defendant and Robb then washed the clothes.
- (iv) The defendant admitted at interview that she washed Creswell's clothes with Hayley Robb.
- (v) The plea of guilty merits significant credit. The defendant has engaged with the prosecution to present an agreed basis of plea. She is the second defendant to so engage.

[16] Rose De Montmorency-Wright pleaded guilty on 19 January 2024 on the following basis:

- (i) The defendant accepts she is guilty of Count 3. She failed without reasonable excuse to give information to police within a reasonable time.
- (ii) The defendant did not know or believe that Creswell had murdered or killed the deceased, she thought he had been involved in an assault upon the deceased, and that he had assaulted her causing her actual bodily harm.
- (iii) The defendant was aware that the police would be investigating the circumstances of Katie's death and was aware that Creswell did not want police to know about his assault on Katie in the course of their investigation.

[17] The defendant in police interviews eventually provided an account. The prosecution accept that she conceded that she withheld information from the police but in interview does not recall some aspects of her interactions with Creswell namely telephone calls at relevant times on the morning of 3rd August.

[18] The pleas of guilty merit significant credit. The defendant has engaged with the prosecution to present an agreed basis of plea. She has made admissions at interview.

[19] The central theme of all three basis of plea documents is that all three defendants acted upon Creswell's lie that he had "given Katie a hiding" the night before he claimed to have found her and that she had attempted suicide. That is to say, the basis upon which I must sentence all three is that they did not know or believe that Creswell had in reality murdered Katie Simpson.

Jonathon Creswell

[20] It is somewhat unusual in sentencing remarks to deal with someone who is not before the court, but I have found it almost impossible to analyse and assess the culpability of these three defendants without setting out and assessing the agency of Jonathon Creswell in their offences. There is a significant amount of information which would have been evidence in the trial, but which was not reached because of his death. Much of that impacts upon the sentencing exercise. The late Mr. Creswell sought to "No Bill" the murder count which he faced and the prosecution submissions in response to that set out a significant number of witnesses who would have given evidence about how Creswell behaved towards and treated women, especially young women. Some of those witnesses are entitled to anonymity and I will respect that. However, I note that one courageous young woman, Abigail Lyle, waived anonymity and was prepared to give evidence about how Creswell had treated her. I pay tribute to her for that because it paints the most compelling picture of Creswell. In her statement she states how she was in a relationship with Creswell and that during that relationship she was subjected to coercive control and numerous physical assaults. Of particular note, Creswell subjected her to "choking" and "strangulation." Non-Fatal Strangulation is now a stand-alone criminal offence, as is coercive control. As the understanding of these offences has become better understood the foreshadowing of the death of Katie Simpson is chilling. Statistically, a male who engages in an attack involving non-fatal strangulation is 800% more likely to kill a partner in that relationship.

[21] Other witnesses, in their statements set out their observations of how Creswell behaved towards women and particularly young women within the equestrian environment. Many of those witnesses witnessed incidents of verbally abusive and frankly vile comments made to Katie and other young women. These comments were often in the context of sexualised language. Chloe Scott, a friend of Katie's from early life, has given a victim statement and also a lengthy and detailed statement about how Creswell effectively groomed and came to dominate Katie from in and around her being 10 years of age. This continued through her teens. The number of witnesses; volume of evidence they give; and the detail and contents of these statements create an irresistible conclusion that Jonathon Creswell was a skilled and predatory abuser who regarded women under his influence as simply there to be used and abused for his own ends including his sexual gratification.

Defendants and their personal circumstances

Hayley Robb

[22] She is 30 years of age and currently resides with her parents. She was academically gifted and obtained nine GCSEs and was doing A levels with a view to becoming a physiotherapist. She was 17 when she first met Creswell through her love of horses. Due to his influence she appears to have lost all interest in her studies and began working for him at his horse yard. It appears that the association with Creswell turned into an established pattern for him. That is to say, a young girl, interested in horses, falling under his influence became a sexual relationship which then involved coercive control and physical violence. She describes how due to fear of violence and his controlling behaviour she felt unable to challenge him about anything. On one occasion she was hospitalised following an assault by Creswell which caused a clot on her chest. She describes how she was “afraid” of him because she “never knew what was coming next.” She disclosed that Creswell would have controlled her by monitoring her phone through her location and checking her phone regularly when she was with him. All that she says is easily recognisable as behaviours attributable to Creswell. She describes how the death of Katie; the arrest of Creswell; and the current case have impacted significantly upon her mental health. Following a “doorstepping” incident with a member of the press after she had pleaded guilty, she required mental health treatment. More positively, it has been verified by PBNi that she recently ran the Belfast Marathon to raise awareness of, and money for domestic abuse victims. She has no criminal record and is assessed as a low likelihood of future offending.

Jill Robinson

[23] She is a 42-year-old woman who, again, was academically gifted, she passed GCSEs and A Levels before obtaining a Degree in Geography from Queen’s University Belfast. Thereafter, she pursued her love of horses and worked in various stables before encountering Creswell who was her junior by five years. She and Creswell were involved in a relationship for approximately two years. During this relationship she experienced physical violence at his hands. It is a feature of such violence that often a victim will deny it, and this is demonstrated in relation to this defendant. When interviewed the summary shows that the police were in possession of positive information that she had been a victim of assaults by Creswell. Yet she denied it. She has no criminal record other than a speeding fine and is assessed as a low likelihood of any type of reoffending. I have received a number of character references attesting to her being of previously good character.

Rose De Montmorency-Wright

[24] She is the youngest defendant at 23 years of age. She attended Strathearn School and despite reasonably good academic grades was more interested in horses

than in continuing her studies. She met Creswell when she was 16 and doing unpaid work with horses at his family's yard. At 18 she moved to a yard in Armagh before moving to live in Creswell's house in Lettershandoney so that she could work at his yard. She currently is living and working in England in a breeding stables where she is highly thought of. I have received an impressive reference from her current employer who is fully aware of her current prosecution for these offences. Again, she has no criminal record and is assessed as a low likelihood of reoffending.

Case law

[25] The offence of Perverting the Course of Justice is always a serious offence. The courts have made it clear that, whilst the offence type will cover many scenarios, those who engage in this offence do so to defeat the aims of public justice. It is, in terms, a direct affront to the administration of justice and in all but exceptional cases will require deterrent sentences. The Northern Ireland Court of Appeal gave guidance in *R v McAllister, O'Hara & Pearson* [2018] NICA 45. At para [9] Morgan LCJ noted:

“[9] The test in relation to these cases of this sort was set out in the *R v Tunney* [2007]1 Cr App R (S) 62 and it is agreed that there are really three features which need to be taken into account when looking at the appropriate sentences. The first is the seriousness of the substantive offence, the second is the nature or degree of persistence in the conduct and the third is the effect of the attempt in relation to the administration of justice. In this case this is a case of the greatest seriousness in terms of the primary offence committed. This was a murder, but it was not alone a murder, but a terrorist murder carried out by a terrorist organisation and the three appellants all knew exactly what that offence was and what the background in relation to it was. So from that point of view it places the case right at the upper end.”

[26] It is to be noted that *R v McAllister & others* involved a “clean up” after a terrorist murder where they burnt out the car immediately after the murder and presumably knowing a murder had occurred. Whilst the basis of plea in this case is in a different category, the principles with regard to perverting the course of justice are nevertheless an important consideration for this court.

Withholding information

[27] Once again, this is an offence which has a tendency to impede the administration of criminal justice and must of necessity be regarded as a serious offence for that reason. Such guidance as exists is from Crown Court reported cases. In *R v Sikorskis* [2018] NICC 13, McBride J noted at para [70]:

“[70] The case law illustrates that withholding information may occur in infinitely varying circumstances. These first instance decisions however show that the offence attracts a custodial sentence. This is primarily because the nature of the offence is serious as it involves interference with the administration of justice. The degree of seriousness is higher in a case where the principal offence is one of gravity, for example murder or manslaughter. The period of imprisonment in cases where the police investigation was not hampered appears to lie between 6 months and 2 years. The place within this bracket depends on the defendant’s personal circumstances and the other mitigating and aggravating factors. I consider that the upper figure may vary significantly upwards in circumstances where the police investigation is actually hampered, or the defendant’s conduct prevents a successful prosecution of a perpetrator.

Sentences

[28] I am satisfied that the offences to which all three defendants have pleaded guilty to are serious and that they cross the custodial threshold. In relation to each defendant I have assessed the aggravating and mitigating features identified above and have come to the conclusion that the following starting points and reductions apply:

Hayley Robb

[29] She faces one count of withholding information and two counts of perverting the course of justice. I am satisfied that the sentence that I would have imposed had she been convicted by a jury would have been three years taking into account totality. I am equally satisfied that her pleas, whilst not at the first opportunity followed after open discussions between prosecution and defence and were of value to the prosecution. Applying *R v Maughan*, I will extend a full reduction of one third. Making the sentence, in totality, one of two years.

Jill Robinson

[30] She faces one count of perverting the course of justice. I am satisfied that the sentence I would have imposed had she been convicted by a jury is in totality two years. Again, whilst not at the first appearance, she engaged with the prosecution and pleaded guilty long before any trial. Again, her plea is described as being of value. I see no reason to distinguish her from Robb in this regard and her sentence in totality will be 16 months.

Rose De Montmorency-Wright

[31] She faces a single count of withholding information. Again, I am satisfied that the starting point after conviction would have been 12 months. Again, I will apply the same reduction for her plea and the sentence in totality is eight months.

Suspended or immediate sentences

[32] Having established that custodial sentences are required for each defendant in this case I now turn to consider whether those custodial sentences are required to be immediate or whether they can be suspended. *In R v Gill & Others* [2023] NICC 21 Scoffield J having reviewed the authorities in this area concluded at para [78]:

“[78] ...I also consider it appropriate to suspend the sentence in each case given the one-off nature of the offending and the absence of any material criminal record on the part of each of these defendants. I do not consider it necessary to impose an immediate custodial term which will significantly jeopardise each of their abilities to contribute to society either in their employment or by way of their family responsibilities. In reaching this view I take into account the mitigation appropriate for their pleas of guilt and their remorse and, the length of time that these proceedings have been hanging over them (although there was no suggestion of culpable delay on the part of the Crown). I also note that a suspended sentence was considered an appropriate disposal – to mark the seriousness of the offending but also reflect its one-off nature – in the cases of *Bustard, Seales, Sikorskas and Wilson* ([2019] NICC 1). Indeed, in that latter case, Colton J recognised (at para [98]) that this is now a common disposal for the offence of withholding information (or similar offences) where the seriousness of the principal offending requires a custodial sentence but there are no features rendering it appropriate to make that sentence effective immediately...”

[33] It is to be acknowledged that *R v Gill* was a case involving a murder being known about by the accused whereas the agreed basis in this case involves an assault occasioning actual bodily harm being in the contemplation of the accused.

[34] I have thought long and hard about whether the sentences in this case can properly be suspended. All three defendants have clear criminal records; I am entirely satisfied that but for the agency and control of Jonathon Creswell that none of them would ever have stood in a dock; the using of them by Creswell was cynical and exploitative – for example, I am entirely satisfied, and, indeed, it was the

prosecution case, that the telephone call to Hayley Robb on the morning of Katie's death was to ensure that Creswell could use her as a witness to him "finding" Katie's body. A further factor in Robb's case is that she had made a statement after her plea and had asserted a desire to turn "king's evidence." Her evidence was a significant plank in the prosecution narrative. For all of these reasons, I am satisfied that the sentences in this case should be suspended for a period of two years. Accordingly, I impose the following sentences:

Hayley Robb

Perverting the course of justice - two years on each count suspended for two years.

Withholding information - 12 months suspended for two years.

Jill Robinson

Perverting the course of justice - 16 months suspended for two years.

Rose De Montmorency-Wright

Withholding information - eight months suspended for two years.

[35] I am obliged by law to explain what a suspended sentence is. If you commit any further offences punishable by imprisonment within the next two years you will go to jail for that offence and this sentence will be put into operation consecutively. If, however, you commit no further offences nothing will happen.