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*Judgment: approved by the court for handing down (subject to editorial corrections)**	*Delivered:* **24/10/2024**

IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT BELFAST

THE KING

v

DARRYN ARMSTRONG

and

JADE DEMPSEY

Mr Ciaran Murphy KC with Mr Simon Reid KC (instructed by the Public Prosecution Service) for the Prosecution
Mr Brian McCartney KC with Mr Ian Turkington KC (instructed by Patrick Fahy & Co, Solicitors) for the first-named Defendant.
Mr Gavan Duffy KC with Ms Aileen Smyth (instructed by James Strawbridge & Co, Solicitors) for the second-named Defendant

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SENTENCING REMARKS

McALINDEN J

Introduction

[1] Ali-Jayden Ann Doyle was born on 5 July 2019. She was the fourth of five children born to the defendant, Jade Dempsey. During the morning of 6 August 2021, when she was just two years and one month old, Ali-Jayden Doyle, along with her younger brother, was left in the care of Darryn Armstrong by her mother who was going to Belfast by bus to buy a double buggy for Ali-Jayden and her younger brother. Her mother Jade Dempsey was in a relationship with Darryn Armstrong at the time. Shortly after her mother had left the children in the care of Darryn Armstrong, Ali-Jayden Doyle was brutally attacked by the defendant Darryn Armstrong at his home at 19 Park Avenue in Dungannon. Ali-Jayden Doyle was subsequently airlifted to the Royal Belfast Hospital for Sick Children but died there later that day as a result of deliberately inflicted severe head trauma. Darryn Armstrong pleaded guilty to the murder of this child on 21 May 2024 and three days later Jade Dempsey pleaded guilty

to an offence of wilfully neglecting and exposing her child in a manner likely to cause unnecessary suffering or injury to health, contrary to section 20(1) of the Children and Young Persons Act (Northern Ireland) 1968.

[2] The defendant, Jade Dempsey, was born on 26 September 1996. She is now twenty-eight years old. She was born in Dublin and is from the Travelling community. She was placed in foster care when she was ten months old. It would appear that her biological parents were drug addicts who were unable to care for their children, all of whom were taken into care in the Republic. Jade Dempsey became pregnant at the age of seventeen and gave birth to twin boys. These children were taken into care due to the mother's inability to care for them and were subsequently freed for adoption. She had another child with a different partner in 2017 when she was aged twenty-one and her daughter from this relationship has been in long-term foster care since she was eight months old. She entered into a relationship with Ali-Jayden's father, Dylan Doyle, in 2018. The family moved to Northern Ireland in 2020 when Jade Dempsey was pregnant with the second child of this relationship, Ali-Jayden's younger brother. It would appear that the relationship between Mr Doyle and Ms Dempsey was one which was marked by episodes of domestic violence and drug abuse by Mr Doyle and the couple separated after an assault when the youngest child who was born in July 2020, was ten weeks old.

[3] Having initially resided with a friend, Ms Dempsey and her two children were housed by the Northern Ireland Housing Executive in a house at 9 Sycamore Drive in Dungannon in March 2021. By that time Ms Dempsey was in another relationship with Darryn Armstrong, having met him through social media in late 2020.

[4] Darryn Armstrong was born on 24 February 1989. He is now thirty-five years old. Due to problems within the family home including his stepfather's addiction to alcohol and his exposure to domestic violence, he was taken into foster care and subsequently cared for in a Children's Home in Omagh. He received some education in special needs establishments. There are references in the documentation before the court to diagnoses of ADHD and dyslexia. He has a longstanding history of abusing both alcohol and drugs. In terms of previous relationships, these have been characterised by episodes of domestic abuse and violence. Some of his previous relationships were with vulnerable women who had experience of the care system. He was the subject of a restraining order granted in respect of a former partner in November 2018. His prior criminal record consisted of seventy-seven previous convictions, including ten convictions for drugs offences, one conviction for false imprisonment, two convictions for harassment, and a number of convictions for various assaults. On 13 May 2021, Darryn Armstrong was convicted of common assault and was found to have breached two previously imposed suspended sentences. The District Judge sentenced him to three concurrent terms of three months in custody. Darryn Armstrong appealed these sentences and on 8 July 2021, slightly less than one month before this child was murdered by Darryn Armstrong, his appeal against these sentences was allowed by the county court judge and a probation order of one year and six months duration was imposed in place of the sentences of

imprisonment. Having finished a relationship with one man who apparently abused drugs and who resorted to domestic violence, Jade Dempsey commenced a relationship with Darryn Armstrong, another drug and alcohol abuser with a history of domestic violence and a significant criminal record.

[5] Social Services in the Dungannon area were involved with Jade Dempsey and her two young children from late April 2021. The two children were placed on the Child Protection Register because Social Services were concerned about Jade Dempsey's relationship with Darryn Armstrong. A Child Protection Plan was drawn up. One of the key elements of this Child Protection Plan was that Darryn Armstrong was to have no contact with the two children, and he was not to reside in the house where the children lived. The couple were offered a specialist risk assessment in relation to Darryn Armstrong and a capacity assessment in relation to Jade Dempsey. The capacity assessment was focused on Jade Dempsey's ability to protect her children. Both Darryn Armstrong and Jade Dempsey signed up to this Child Protection Plan. The UNOCINI documentation in the case relating to the initial assessment of the two defendants contains the following very prescient observations.

> "It is the view of the Social Worker that Ms Dempsey has such an emotional investment and attachment to this relationship that she has been unable to demonstrate that her children are her priority."

The report then goes on to state that:

> "Ms Dempsey has made numerous excuses for Mr Armstrong and has commented that he is not a risk to her children because he has never been convicted of any offences in relation to children. Ms Dempsey has went as far as stating that allegations made by Mr Armstrong's partners are "lies" remaining disbelieving on the basis of what Mr Armstrong has shared with her and questions the motives and intentions of his previous partners. Therefore, her reservations indicate an inability to remain open minded causes the Social Worker to remain significantly worried about her protectiveness."

[6] I pause to comment at this stage that it is so depressingly common to read that a woman who has been the subject of domestic violence in previous relationships when she enters into a new relationship with a man with a known history of domestic violence, will readily accept his account that the allegations made by his previous victims are lies. I find it difficult to understand how a victim of domestic violence would so easily and readily dismiss the accounts of other victims as lies rather than seeing them for what they are: a clear and unambiguous warning to have nothing to do with the male in question.

[7] On 12 May 2021 when a social worker visited Jade Dempsey's home, she noted that Jade Dempsey was acknowledging that Darryn Armstrong was a bad man. However, on 19 May 2021, she reported that her children wanted to see Darryn Armstrong. On 28 May 2021, she stated that she was frustrated that Darryn could not have contact with her children. She indicated that she was going to go ahead and meet him in a public place with the children. She was reminded about the Protection Plan that was in place. Darryn Armstrong was also reminded about the terms of Protection Plan on 2 June 2021. Starting on 25 June 2021, Jade Dempsey began asking Social Services if Darryn Armstrong could attend Ali-Jayden's birthday party on 5 July 2021. She said that the children had a good relationship with Armstrong, and she wanted him at her daughter's party. Social Services made it clear that Armstrong was not to go to the party and was not to attend the house. Social workers were subsequently informed on 6 July 2021 that the party did not take place. On 8 July 2021, Jade Dempsey again stated that she wished Armstrong to have contact with her children and she was reminded to the concerns harboured by the social work team.

[8] Risk assessment work with Darryn Armstrong included four meetings with a senior social worker on 8 June 2021, 23 June 2021, 29 July 2021 and 4 August 2021, just two days before Ali-Jayden's death. When interviewed by Social Services, Darryn Armstrong stated that his relationship with Jade Dempsey was good and that he had "face-time" contact with the children every day and that both of the children called him dad. He stated that he thought he had a long-term future with Jade Dempsey and that they had been talking about Jade Dempsey's older daughter being returned to her care and he saw himself as assuming a father figure role to all her children with them all forming a family unit in the short to medium term. After this last session on 4 August 2021, Social Services spoke to Jade Dempsey, and she informed them that the relationship with Darryn Armstrong was over as he was becoming controlling. On 5 August 2021, Jade Armstrong informed a social worker that she understood the concerns of Social Services. She again affirmed that the relationship was over but contradicting this she stated that she hoped Darryn Armstrong could see her children when he had engaged with Social Services and other agencies. She stated that if he could turn his life around, she would reconsider the relationship.

[9] On the morning of 6 August 2021, Jade Dempsey and her two children were picked up by a taxi from her home at 9 Sycamore Drive, Dungannon at 10:20 hours and taken to Mr Armstrong's address at 19 Park Avenue, Dungannon. When the taxi arrived at his house Darryn Armstrong came out and took Ali-Jayden's baby brother out of the taxi still in his car seat and Jade Dempsey took Ali-Jayden into Mr Armstrong's house. This arrangement was obviously made before the taxi journey. It is clear that Mr Armstrong was expecting them. What appears to have happened thereafter is that the two children were left with Mr Armstrong and Ms Dempsey made her way on foot to get the bus to Belfast.

[10] A WhatsApp video was taken and sent by Darryn Armstrong to Jade Dempsey shortly after she had left the house. Ali-Jayden is seen sitting on a sofa looking away from the camera phone lens, possibly looking at a television set which is out of frame

because there is the sound of a television on in the background. She has a soother in her mouth. Her younger brother is seen in a red baby chair on the floor in front of the sofa. The baby appears to be content and is also facing towards where the television is assumed to be out of video-shot. At approximately 10:45 hours a Community Nurse was attending a patient in 21 Park Avenue, Dungannon, when she heard a loud screeching noise like a child in a tantrum. She then describes hearing two noises: "one was like a younger child crying and the other was like a loud screeching tantrum sound that went on for long before the child came up for breath." She went to the front door of number 21 and was close to the front windows of number 19 where these noises had emanated from. The windows were open. She stopped, stood and listened and the "child continued to screech after they took a breath, and the second screech was not as long before the child took another breath and on the third screech they appeared to calm down. It appeared like no one else was with the child trying to calm the child down. She did hear a door closing but did not hear anyone talking." This lady thought she could hear two children crying and one baby crying. She could not see into the room due to the "blinds being tilted." The noise stopped and she left the property. In her statement to the police, this witness makes no reference whatsoever to hearing dogs barking.

[11] At 11:04 hours on the morning of 6 August 2021, Darryn Armstrong used his mobile to ring 999 and request an ambulance to 19 Park Avenue, Dungannon, reporting a head injury to a young child. Ambulance crews attended and it immediately became apparent that the child Ali-Jayden Doyle had suffered very severe injuries. When the first ambulance arrived, the crew were led into the house by Armstrong. Ali-Jayden's baby brother was in the living room in a "bouncer chair." The crew were taken to a bedroom where they saw a female child lying at the end of the bed on a wooden floor. Armstong stated that the baby had hit his sister with a toy, and she had fallen and hit her head. The child was covered with a towel with her arms out at right angles to her body and her forearms straight up on either side of her head. Her eyes were slightly open, and her hair was messy and wet. Her body was dry. The child was wearing a nappy.

[12] Darryn Armstrong also contacted Jade Dempsey and told her that Ali-Jayden had been struck by a toy thrown by the other child and had fallen and banged her head. Jade Dempsey had missed her bus to Belfast, and she rushed back on foot from the bus station to 19 Park Avenue. When Jade Dempsey arrived at the location, another resident of Park Avenue heard Armstrong tell Dempsey that "the baby threw a toy at her, hit her on the head, she lost her balance and hit her head on the fireplace." Dempsey then asked about the toy, and she heard Armstrong say that: "I was only in the toilet for twenty seconds with the door closed, came in and she was just there … She was fitting, and she was so hot, so I put ice around her face." This witness could smell cannabis from Armstrong and toxicology results from a urine sample subsequently provided by Armstrong did reveal the presence of a metabolite of cannabis. Another witness heard Armstrong say: "That wee skitter, he's getting worse. He only after clocking her head with that wee toy there." He was pointing at a red toy as he uttered these words. He then explained to this same witness that he

had gone to the toilet and when he came back into the room Ali-Jayden was unconscious on the hearth. Darryn Armstrong told another ambulance crew member that Ali-Jayden had been in the living room of the house and had had a fight with the other child and that the other child had hit her on the head with a plastic toy and this caused the child to stumble back and hit her head on the fireplace. Armstrong stated that he had been in the toilet at the time that this happened. He stated that he had thrown a cup of water around Ali-Jayden in an attempt to revive her.

[13] This story of Ali-Jayden being hit by a toy and falling back and banging her head on the fireplace was repeated to another ambulance man and he remembers Jade Dempsey appearing to back this account up by stating that the child had unsteadiness and fell over a lot. The child was examined at the scene by a doctor who recommended that the air ambulance be tasked to take the child directly to Belfast. When asked at the Belfast Hospital what had happened to her daughter, Jade Dempsey repeated the account about the toy and the fall but stated that she had not been there when it happened. By that stage, Jade Dempsey was attempting to minimise her breach of the Child Protection Plan by stating that she had just left her children in the care of Armstrong so she could go to the shop for milk and toys. When questioned by a social worker in the hospital, Jade Dempsey stated that she had just gone to Armstrong's house to give him his bank card. When she got to his house she realised that Ali-Jayden had dropped her dummy, and she went out to look for it and to get milk leaving the children with Armstrong. She was only away for a number of minutes when she received a call from Armstrong. She stated that she and a friend were intending to go to Belfast to pick up a buggy later that day and that she had intended to take her children with her. She told another social worker that she had left the children with Armstrong because she thought the risk assessments were completed. She then contradicted this by saying that she was waiting to get the go ahead for Armstrong to see the children and be part of their lives despite telling Social Services a few days earlier that the relationship was over.

[14] Despite the efforts of the medical and surgical teams in Belfast, Ali-Jayden Doyle was pronounced dead at 16:20 hours on 6 August 2021. A post-mortem examination was performed, and various expert reports were obtained in order to ascertain whether the injuries suffered by the child were consistent with the account then being put forward by Armstrong. It became clear from an early stage that this account was inconsistent with the nature and extent of the injuries suffered by the child. There was a very severe skull fracture at the back of the skull with severe underlying brain injury consistent with a high energy direct impact to the occiput. There were areas of bruising to both sides of the head involving the ears and adjacent scalp with a patterned linear component above the left ear. There were small bruises over the right side of the forehead and the front of the chin consistent with impacts. There were several areas of bruising over the child's back at the mid upper back level and at the level of her waist with small areas over her buttocks and hips. Examination of the child's eyes showed recent bilateral recent severe retinal haemorrhages, bilateral optic nerve sheath haemorrhage and haemorrhage of the optic nerve/scleral junctions in a pattern typical of severe trauma to the head, perhaps involving a rotational injury.

[15] When a defence statement was served in this case on behalf of Darryn Armstrong on 23 February 2024, his account of how Ali-Jayden Doyle came to suffer this horrifically severe head injury changed. He stated that he had been in the living room, holding the child in his arms when his two dogs came into the house through an open back door and came into the living room and started "going hyper." He stated that the children started to scream due to the dogs. He then threw the child, and the child hit her head on the fireplace. At the material time, he had consumed drugs, and he was frustrated and lost his temper. As a result of this account, it became necessary to obtain further expert medical opinion on whether the account given by Darryn Armstrong in his defence statement could explain the injuries suffered by the child. The expert opinions received stated that the extreme nature of the occipital head injury indicated an exceptionally destructive impact to the back of the head. The fracture was noted to be complex as it crossed suture lines, it involved more than one skull bone and included a completely detached piece of occipital bone due to a circumferential fracture with an underlying brain injury including cerebral contusions and a torn dural venous sinus. These were all consistent with a high degree of impact force being applied to the child's head. The haemorrhaging in the eyes including the optic nerve sheaths and the optic nerve scleral junctions was suggestive of a mechanism of injury which included a significant rotational/angular accelerant element.

[16] One of the experts stated that he could envisage a scenario whereby the child was perhaps gripped by the torso and then was swung with great force or slammed or shaken and swung or slammed against an unyielding surface and such an assault could account for the fractures to the posterior skull, the related intracranial injuries and the eye findings. It should be noted that after Darryn Armstrong had belatedly pleaded guilty to murder and had been interviewed by a probation officer for the purposes of preparing a pre-sentence report, he gave yet another account stating that he was unable to provide any account of what happened as he could not recall the circumstances. He changed his plea, having reflected on legal advice and having seen the papers in the case. He reiterated that he had no recollection of the incident as he was under the influence of drugs at the time.

[17] We will never know what precisely occurred in that house that morning, but it is clear beyond doubt that Darryn Armstrong took that child and inflicted horrifically severe head injuries to her. The extent of the force required to cause those injuries to a two-year-old child is entirely consistent with an intention to kill that child; to murder her.

[18] Following their arrests, both these defendants were individually interviewed by police on a number of occasions. It is important to outline what they told the police because it is indicative of the existence of an agreement between them to give a false account to the police. Darryn Armstrong's first interview was a no comment interview. In his second interview conducted in the early afternoon of 7 August 2021, he stated that Jade Dempsey had come to his house to return his bank card. He

informed police that he told her that she could not bring the children into the house because of the Child Protection Plan but as it was raining heavily and he did not want to see the children getting soaked, he allowed the children into the house. He stated that Jade Dempsey then realized that Ali-Jayden had lost her toy, and she went out to look for it. The two children were playing in the living room at this stage and the younger child struck his sister on the head with a toy. Ali-Jayden then started crying and he lifted the baby into a seat and strapped him in. He then went to the toilet. He then heard a loud bang, and he ran into the living room and saw Ali-Jayden lying on the floor between the television and the fireplace. He saw that she was not responding, and he then telephoned the emergency operator for an ambulance. He later telephoned Jade Dempsey to ask her to return to the house. He stated that he had not witnessed the baby strike his older sister. He stated that he took Ali-Jayden from the living room to the bedroom and placed her on a mat.

[19] When asked whether the plan had been for Jade Dempsey to leave her children with him while she went to Belfast to buy a buggy, he made no reply. However, during an interview conducted on 8 August 2021, he stated that Jade Dempsey had asked him to watch the children so she could go to Belfast to buy a buggy. He had initially agreed but then said no due to the Child Protection Plan. He stated that she left the children with him so she could go out to look for a lost dummy, but he had then telephoned her to say that he couldn't do this and for her to come back and he would go to Belfast as he did not want to breach the Child Protection Plan. He denied hitting Ali-Jayden.

[20] Jade Dempsey also told police during her first interview on 6 August 2021 that she had gone to Armstrong's house to return a bank card and that when she got there Ali-Jayden started screaming because she had lost her dummy. (Incidentally, the short WhatsApp video shows the child sitting contentedly on the sofa with her dummy in her mouth). She, therefore left the children with Armstrong and proceeded to retrace her steps to look for the dummy. She then got a call informing her that Ali-Jayden was not breathing. She found the dummy and ran back to the house, arriving after the ambulance. She accepted that the children were on the Child Protection Register from March or April 2021 because of concerns about Armstrong. During an interview on 7 August 2021, she stated that after the Child Protection Plan had been put in place Armstrong had never been left on his own with the children. She stated that it was Armstrong who had suggested to her that she should let him mind the children whilst she went to Belfast, but she refused, telling him that she would take the children with her.

[21] During a subsequent interview on 9 August 2021, Jade Dempsey admitted lying to the police during her earlier interview. She admitted that her story about leaving the house to look for the child's dummy was a lie. She said that the dummy was lost as she was walking to the house. But this was also a lie as she had taken a taxi to the house with her children. During this interview, she accepted that she had left the children with Armstrong so she could go to Belfast by bus. She stated that her earlier lying was because she panicked because she feared losing custody of her son.

Incidentally, this child was immediately removed from Jade Dempsey's care after his sister's death and is presently in the process of being freed for adoption. She stated that she did not see the harm in leaving the children with Armstrong as he only had one more assessment with Social Services and she trusted him. This is despite the fact that she had told Social Services that she had ended her relationship with Armstong in the days leading up to this tragedy.

[22] Jade Dempsey admitted in interview that she had breached the Child Protection Plan but by way of excuse she stated that her intention had been to go to Belfast to get a buggy for the children. She stated that she got to the bus station but missed her bus and shortly after that she received a telephone call from Armstrong. During an interview on 9 August 2021, she stated that she had never left the children alone with Armstrong previously, but he had been in their company, but she had always been present.

[23] When Darryn Armstrong was interviewed for the purposes of the preparation of a pre-sentence report, he sought to externalize blame for his behaviour by placing the onus of responsibility on Jade Dempsey, stating: "I told her she shouldn't leave them." This runs contrary to the clear evidence that this arrangement was pre-planned. Mr Armstrong was asked by the probation officer why had had agreed to look after the children when he was under the influence of illegal substances namely cannabis, Blues (OxyContin) and Diazepam. He stated: "She knew I had taken drugs. I told her." The evidence in this case clearly demonstrates that when the ambulance arrived, Mr Armstrong did not present as being heavily under the influence of substances at the time and he was fit to undergo police interview later that day. The probation officer suggested that Mr Armstrong's assertion that his behaviour was drug fueled may be an attempt to minimize his culpability. The probation officer was of the opinion that despite pleading guilty, Mr Armstrong continues to struggle to take full responsibility for his actions and seeks to externalize blame for his behaviour. At interview, he presented with a clear lack of remorse and limited victim insight and empathy. He was focused on the length of his tariff. He was assessed as presenting a high likelihood of general reoffending and presently presents a significant risk of serious harm to others in the community. Mr Armstrong has been in custody since 6 August 2021.

[24] During her pre-sentence report interview, Jade Armstrong, stated that she met Darryn Armstrong at a time when she was vulnerable (having recently given birth and having suffered the breakdown of the relationship with the father of her two youngest children) and that he "love bombed" her. She stated that Mr Armstrong had regular contact with her children prior to Social Services becoming involved in March 2021. She accepted that when Social Services became involved, because of the risk to her children posed by Mr Armstrong, her two children were placed on the Child Protection Register and a Protection Plan was put in place which precluded Mr Armstrong from having any contact with the children. She accepted that Social Services had informed her that Mr Armstrong had previous convictions for violence, including domestic violence, and that he abused drugs. Despite, all this, Jade

Dempsey continued her relationship with Darryn Armstrong and did not comply with the Protection Plan. Although she now expresses her regret for not adhering to the Protection Plan which she accepts was a serious error on her part, according to the interviewing probation officer, she still maintains that she was not fully cognizant of the risks to her children and states that Social Services should have been more specific about their concerns about Mr Armstrong's background. I regard this as a pathetic effort by Jade Dempsey to blame those who were trying their best to protect her and her children for her personal failings. In relation to the events of 6 August 2021, she still maintains that it was Darryn Armstrong who suggested that she leave the children with him. Indeed, he encouraged her to do so. She also maintained that there was nothing about his presentation that day that gave her any concerns that he was under the influence of drugs.

[25] Jade Dempsey was in custody on remand between 6 August 2021 until she perfected her bail with an appropriate address in early September 2022. While on remand in Hydebank she made positive use of her time and achieved some qualifications with a view to working in the food industry. However, she candidly admitted to the probation officer that whilst in Hydebank after her daughter's death she abused illicitly obtained Subutex (a drug given as opiate substitution therapy in prison), Mephedrone and Pregabalin. Following her release on bail she also admitted abusing Xanex, Pregabalin, cocaine and alcohol although she stated that she no longer takes alcohol or any illicit substances and was able to address these issues without any outside help. There is nothing to indicate that either drugs or alcohol played in any part in the woeful decision-making by Jade Dempsey which materially contributed to the death of her child.

[26] Since her release on bail, she has been able to obtain employment, working in a restaurant, a number of cafes and betting shop. Since her release on bail, she has entered into a new relationship with a male whom she has "known for years." This individual also met with the probation officer and admitted his prior involvement in criminality and prior drug abuse. He has one child aged six years who resides in the Republic of Ireland. Jade Dempsey has never met this child. She has told one social worker that she is not residing with this individual whereas she has told another social worker that they are living together. I have to seriously question the wisdom of entering into yet another relationship with a man who has a criminal record and a history of abusing drugs. The probation officer commented in her report that: "It is clear that Ms Dempsey has a history of being in volatile, dysfunctional relationships where both partners have struggled to regulate their emotions and volatility. Ms Dempsey also has a history of not being open with social workers regarding the status of her relationships and has previously been in contact with partners despite informing professionals that she was not." She was assessed by probation as posing a medium likelihood of reoffending but not posing a significant risk of serious harm to others. The pre-sentence report concludes that Jade Dempsey has experienced a history of multiple adverse childhood experiences which include parental poly drug misuse and mental health issues, loss of family members, periods in the care system, her own mental health issues, her children being removed from her and placed in state

care, multiple geographical moves and domestic abusive relationships which include coercive control. She has misused substances in the past as a coping mechanism to deal with loss and trauma.

[27] No expert medical, psychiatric or psychological evidence has been submitted to the court on behalf of Darryn Armstrong. Two reports were submitted on behalf of Jade Dempsey. These are the reports of Dr Helen Harbinson, Consultant Psychiatrist, dated 1 December 2021 and Dr Carol Weir, Consultant Psychologist, dated 8 December 2022. In the absence of access to Jade Dempsey's GP, mental health or Social Services records, Dr Harbinson suggested that her presentation at interview was consistent with traits of Emotionally Unstable Personality Disorder. This, opines Dr Harbinson, is characterised by impulsive behaviour and instability of mood. Patients usually experience chronic feelings of emptiness. They become angry when criticized or thwarted by others. They are liable to become involved in intense and unstable relationships which may cause repeated emotional crises. They have a fear of abandonment. Suicidal threats and acts of self-harm are common.

[28] Interestingly, when seen by Dr Harbinson, Jade Dempsey was blaming Social Services for what had happened. She stated that if she had been made aware of the nature and extent of Darryn Armstrong's criminal record and his history of drug abuse, she would have ended her relationship with him. She was described by Dr Harbinson as being extremely angry about this. The truth of the matter is that Jade Dempsey was told about these matters on many occasions but chose to largely ignore the warnings and advice and chose to flout the terms of the Child Protection Plan. Dr Carol Weir, Consultant Psychologist, noted that Jade Dempsey was very difficult to engage and was seemingly going through "the motions." According to Dr Weir, Jade Dempsey clearly showed a depressed mood and had no interest in performing well in the psychometric testing that formed part of Dr Weir's assessment. It is worthy of note that Dr Weir recorded that the defendant had undergone tubal ligation after the birth of her last child. Dr Weir's report goes on to set out Jade Dempsey's family and educational background, her relationship history, her substance abuse history and her psychiatric history, all of which have been dealt with above.

[29] The court has been provided with three victim statements in this tragic case. These were prepared by Ali-Jayden's paternal great grandfather, Michael Doyle, her paternal great aunt, Kathleen Doyle and her father, Dylan Doyle. I can fully appreciate the grief experienced by the Doyle family as a result of the death of Ali-Jayden. The grief that is so vividly described in their statements is real, acute and tangible and the impact of this child's death particularly upon her father and the manner in which he came to learn of her death make very difficult reading. However, the victim we must not lose sight of is Ali-Jayden Ann Doyle and the Social Services records that are available to the court clearly indicate that the relationship between Dylan Doyle and Jade Dempsey was marred by domestic violence, with drug abuse being a prominent feature. These generationally recurring, twin curses of contemporary society on both sides of the border clearly, in my view, conspired to create the circumstances in which this avoidable tragedy unfolded.

[30] Having pleaded guilty to the offence of murder on 21 May 2024, the court imposed upon Darryn Armstrong the only sentence permitted by law for that offence, one of life imprisonment. It is now the responsibility of this differently constituted court, in accordance with Article 5 of the Life Sentences (Northern Ireland) Order 2001, to determine the length of the minimum term that Darryn Armstrong will be required to serve in prison before becoming eligible to have his case referred to the Parole Commissioners for consideration by them as to whether, and if so, when he is to be released on licence. The minimum term is fixed by reference to retribution and deterrence. The risk that Darryn Armstrong may pose in the future is a matter for the Parole Commissioners to consider at some point in the future. It is for the Parole Commissioners to consider whether, and of so when, Darryn Armstrong is to be released after he has served the minimum tariff set by this court, based on their consideration of risk at that time. He will only be released at that time if it is considered safe to do so. I make it clear, however, that if and when Darryn Armstrong is released on licence, he, for the remainder of his life, will be liable to be recalled to prison, if at any time he does not comply with the terms of that licence.

[31] I heard the pleas in mitigation in both these cases on Thursday 3 October 2024 and I wish to express my gratitude for the careful, measured and realistic written and oral submissions made by Mr Murphy KC and Mr Reid KC for the prosecution, Mr McCartney KC and Mr Turkington KC for Mr Armstrong and Mr Duffy KC and Ms Smyth for Ms Dempsey, from which I gained great assistance.

[32] Article 5(2) of the Life Sentences (Northern Ireland) Order 2001 provides that the minimum term:

> "… shall be such part as the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence, or the combination of the offence and one or more offences associated with it."

[33] The legal principles that the court should apply in fixing the minimum term are well established. In *R v McCandless & Ors* [2004] NICA 1, Carswell LCJ giving the judgment of the Northern Ireland Court of Appeal held that the *Practice Statement* issued by Lord Woolf CJ and reported at [2002] 3 All ER 412 should be applied by sentencers in this jurisdiction who are required to fix tariffs under the 2001 Order. See paragraph [10] of his judgment. I do not intent to unduly lengthen this sentencing exercise by setting out *in extenso* the provisions of the P*ractice Statement.* However, I wish to make it clear that in my deliberations on the issue of appropriate tariff, I have applied the principles and guidance to be gleaned from the *Practice Statement* and I have been greatly assisted by guidance given by the former Lord Chief Justice in *R v McCandless.* I have carefully considered the other decisions to which I have been referred, namely *R v McCarney* [2013] NICC 1 Stephens J and *[2015] NICA 27* Higgins LJ, *R v Sharyar Ali [2023] NICA 20* Keegan LCJ and *R v Wahab and Wahab [2023] NICC*

16 O'Hara J. Finally, I have carefully considered the most recent guidance from the Northern Ireland Court of Appeal given by the Lady Chief Justice in the case of *R v John Paul Whitla* [2024] NICA which was delivered on 21 October 2024. The question now to be addressed is what is that appropriate starting point?

[34] When one considers the *Practice Statement* in light of the recent guidance given in *Whitla,* which has resulted in the refresh of the *McCandless* categories, it is immediately obvious that the lower starting point of 12 years referred to in paras [10] and [11] is entirely inappropriate and patently inadequate to meet the gravity of the crime or reflect the culpability of the defendant, Darryn Armstrong. What is now (post *Whitla*) classified as the normal starting point of 15/16 years referred to in para [12] is again entirely inappropriate and patently inadequate to meet the gravity of the crime or reflect the culpability of the defendant. It is clear that one has to progress to paras [15], [18] and [19] of the *Practice Statement* before one finds passages which encapsulate and describe the gravity of offending that is clearly evident in this case. In order to illustrate this point, it is important to quote from these four paragraphs of the *Practice Statement*.

> "12. The higher starting point will apply to cases where the offender's culpability was exceptionally high, or the victim was in a particularly vulnerable position. Such cases will be characterised by a feature which makes the crime especially serious, such as: (a) the killing was 'professional' or a contract killing; (b) the killing was politically motivated; (c) the killing was done for gain (in the course of a burglary, robbery etc.); (d) the killing was intended to defeat the ends of justice (as in the killing of a witness or potential witness); (e) the victim was providing a public service; (f) the victim was a child or was otherwise vulnerable; (g) the killing was racially aggravated; (h) the victim was deliberately targeted because of his or her religion or sexual orientation; (i) there was evidence of sadism, gratuitous violence or sexual maltreatment, humiliation or degradation of the victim before the killing; (j) extensive and/or multiple injuries were inflicted on the victim before death; (k) the offender committed multiple murders.
>
> 15. Aggravating features relating to the offender will include the offender's previous record and failures to respond to previous sentences, to the extent that this is relevant to culpability rather than risk.
>
> **Very serious cases**

> 18. A substantial upwards adjustment may be appropriate in the most serious cases, for example, those involved in a substantial number of murders, or if there are several factors identified as attracting the higher starting point present. In suitable cases the result might even be a minimum term of 30 years (equivalent to 60 years) which should offer little or no hope of the offender's eventual release. In cases of exceptional gravity, the judge, rather than setting a whole life minimum term can state that there is no minimum period which could properly be set in that particular case.
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> 19. Among the categories of case referred to in paragraph 12, some offences may be especially grave. These include cases in which the victim was performing his duties as a prison officer at the time of the crime, or the offence was a terrorist or sexual or sadistic murder or involved a young child. In such a case, a term of 20 years and upwards could be appropriate."

[35] It is plainly obvious that this case falls within the category of "very serious cases"; in *Whitla* described as cases of "exceptionally high culpability". This case involves the brutal murder of a very young child. I accept that it was entirely unpremeditated and was not the culmination of a campaign of what was in effect torture or prolonged abuse, but it is clear that this murder involved the deliberate infliction of a horrendous degree of violence to the head of a two-year-old child resulting in catastrophic and plainly non-survivable injuries. The starting point for the fixing of the appropriate tariff must be "20 years and upwards." In this case the key phrase in para 19 of the *Practice Statement* is the phrase "and upwards." Having considered this matter, I am satisfied that in order to adequately reflect the culpability of the offending in this case a significant upwards adjustment must be made.

[36] That the victim was a two-year-old utterly vulnerable child who was subjected to a particularly brutal attack are two features which dictate that this case is placed firmly in the "exceptionally high culpability" category of cases. However, there are additional aggravating factors which have to be taken into account. Firstly, Darryn Armstrong's criminal record is extensive, serious and relevant and that record clearly increases the culpability attaching to the defendant in respect of the index offending. In addition to multiple convictions for drugs related offences, Darryn Armstrong was made the subject of a number of probation orders for domestic violence offences, harassment and false imprisonment in November 2018. He did not engage with probation at that time and breach proceedings were taken in January 2021. Shortly before committing this murder, the defendant was convicted of an offence of assault with clear and unambiguous domestic violence overtones in May 2021. He was given

a three-month sentence of imprisonment by the District Judge. He appealed that sentence and on 8 July 2021, the county court judge substituted a probation order of eighteen months duration in place of the sentence of imprisonment that the lower court had imposed. If one wants to gain an insight into the mind of the defendant in respect of his approach to this disposal and what it meant to him, one need look no further than the notes made by the social worker during the risk assessment interview that took place on 29 July 2021 following the disposal of his appeal. During that interview he described to the social worker how the judge presiding over the case had laughed at the insignificance of the charge. I would be very surprised if this were in fact the case and I am sure it is more illustrative of his trivialisation of his offending rather than the judge's.

[37] This entry illustrates the defendant's attitude to his offending involving domestic violence and when he stated to Social Services that he intended to engage meaningfully with probation this time round, it is transparently obvious that he was only saying this in order to obtain a positive outcome to the risk assessment process that Social Services were carrying out at that time. Despite his assertions to the contrary, I fear he had no intention of engaging meaningly with probation with a view to addressing his issues. He had no intention of changing his ways. His minimisation and trivialisation of his wrongdoing and his attempt to use the imposition of a probation order in order to support his claim that his offending was trivial instead of viewing the imposition of such an order as an opportunity for him to meaningfully engage with support services in order to help him break the cycle of drug fuelled domestic violence related offending adds to the defendant's culpability in the context of the index offence.

[38] Secondly, the index offending involved a shocking breach of trust. A vulnerable mother of two young children temporarily entrusted her two young children to the care of Darryn Armstrong and he repaid this trust by brutally murdering one of those children. In terms of breach of trust cases, this case must rank as one of the most serious examples of a blatant breach of trust, for which there is absolutely no excuse offered. It was not as if this defendant was left to look after these children for hours on his own and their chaotic behaviour resulted in him snapping under pressure and lashing out in frustration. The mother had just left the house when, without rhyme or reason, Darryn Armstrong brutally murdered one of her utterly defenceless children. It would be harder to imagine a more shocking breach of trust. However, I pay full regard to the comments of Stephens J in paragraph [46] of *R v McCarney* [2013] NICC 1 where he states that:

> "I again emphasise that in most cases involving the murder of a child there will be a strong element of breach of trust and that the court should guard against double counting aggravating features."

Nevertheless, I consider that this shocking breach of trust does constitute an additional aggravating factor in this case, although, in order to avoid double counting, the additional component must be limited.

[39] Thirdly, and most fundamentally, in terms of seriousness, is this defendant's deliberate flouting of the Protection Plan which had been agreed in this case. If a Protection Plan is agreed and put in place, it must be adhered to. Those who agree to such Protection Plans but subsequently flout the provisions of the Protection Plan and cause harm to a child as a result must know that the flouting of the Protection Plan will be deemed to constitute a very significant aggravating factor, resulting in a significant uplift in any sentence or tariff to be imposed. Protection Plans are put in place for the purpose of protecting vulnerable children from harm and woe betide any who flout them, in cases where their actions cause harm to the child or children in question.

[40] I have also considered whether the defendant's lies about how the child came to be injured, the attempt to place some responsibility of the other child in his care and his provision of misleading information to the medical, nursing and ambulance personnel charged with diagnosing and treating the injured child constitute aggravating features in this case. If I thought that by reason of the provision of false information, the resuscitative, diagnostic or therapeutic efforts of the healthcare professionals involved in treating the child were hampered or interfered with and that this had a causative impact on the outcome for the child I would have unhesitatingly regarded his mendacity as a significant aggravating feature. However, there is no evidence that his lies had any bearing on the medical management or outcome in this case. His long-maintained denial of any responsibility for the death of this child will be factored into the issue of any credit to be afforded to him for his late plea of guilty. In order to avoid the possibility of "double counting" his lies, in the absence of causal impact on the outcome for this child, cannot be factored into any other earlier stage of the sentencing exercise.

[41] Having full regard to all the matters set out above, I am convinced that the higher starting point in this case must be increased to meet the gravity of the crime and the culpability of the defendant and that an uplift to well beyond 20 years is required and that prior to taking into account any matters than can legitimately be considered as having a mitigating impact on the issue of culpability, the appropriate term would be 24 years. I now propose to deal with the issue of mitigation.

[42] Put bluntly, there is really nothing either by way of personal mitigation or in respect of the circumstances of the offence in this case that would give rise to a need to factor in a reduction from the term set out in the previous paragraph. The defendant Darryn Armstrong expresses not one scintilla of remorse or regret for his actions. He continues to place the bulk of the responsibility for the death of Ali-Jayden on her mother. It is suggested that a mitigating factor in this case is to be found in the fact that he quickly called for medical attention for the child and in the interim he tried to revive her by throwing a cup of water over her face. I see no mitigation in that. His

early request for urgent medical input simply makes a mockery of his claim that he was off his head on drugs at the time. All that can legitimately be interpreted from his actions after the event is that he knew exactly what he had done and how serious the injuries were, and he knew he had better summon help immediately if he were to stand any chance of convincing anyone that the child's injuries occurred as a result of a tragic accident. In any event, personal mitigation is of little importance in offences of this nature. See, in particular *R v Cunningham and Devenney* [1989] NI 350 per Hutton LCJ at pages 5 and 7 and *Attorney General's Reference (No 6 of 2004) (Conor Gerard Doyle)* [2004] NICA 33 per Kerr LCJ at para [37]. In the context of this defendant, I acknowledge the impact that his troubled and unstable upbringing has probably had upon him but those matters in no way go to explain or offer any form of excuse for his actions.

[43] It was also argued that a mitigating factor in this case is that the defendant did not intend to kill Ali-Jayden and that his intention was limited to causing really serious harm to the child. This proposition does not withstand scrutiny. The injuries inflicted in this case are really only consistent with a degree of violence force being deliberately and intentionally applied to the head of this child of such severity as to render it inconceivable that she would survive this assault. Secondly, I note the consideration of this issue by Stephens J in the case of *R v McCarney* [2013] NICC 1 at paras [31], [32] and [48] and his reference to the English Court of Appeal decision of *R v Peters* [2005] 2 Cr App R (S) 1. In essence, having regard to the particular facts of each case, it is a matter of the exercise of discretionary judgment by the sentencing judge as to whether there is mitigation where there is an intention to cause grievous bodily harm rather than an intention to kill and it cannot be assumed that the absence of an intention to kill provides any or very much mitigation. Where it is considered to be a mitigating factor, the degree of mitigation should be kept in proportion, given the thin line between an intention to kill and an intention to cause grievous bodily harm in the context of a very young child and in the context of the degree of violence used.

[44] One final issue remains to be considered and that is the impact on sentencing of the defendant's late plea of guilty in May 2024. Applying the guidance issued by the Court of Appeal in *R v Turner and Turner* [2017] NICA, I approach this issue from the perspective that although each case must turn on its own facts, the general sentencing practice is that a late plea should not result in a discount greater than one sixth and that a discount of more than five years for a plea in a murder case would be wholly exceptional, even in the case of a substantial tariff. In this case, it could be strongly argued that the defence being mounted by the defendant up to the date of his plea in May 2024 was an utterly hopeless attempt to grasp at straws. But, even in such a case, there is a clear societal benefit in encouraging defendants to plead guilty even at a late stage in that even a late plea reduces the period of uncertainty as to outcome which a prolonged trial necessarily involves for victims, it reduces the risk of re-traumatisation of victims, a risk which is clearly inherent in the contested trial process and it reduces the costs that would otherwise be incurred in a lengthy contested trial process. Therefore, in this case, despite the lateness of the plea, in line with general

practice, I would factor in a discount of one sixth for the defendant's plea of guilty. I, therefore, impose a tariff of twenty years in this case with the time which the defendant Darryn Armstrong has spent in custody up to this date to be taken into account when calculating the date when he will be entitled to make an application to the Parole Commissioners for release on licence.

[45] I will now proceed to deal with the defendant Jade Dempsey. On 24 May 2024, Jade Dempsey pleaded guilty to an offence of wilfully neglecting and exposing her child in a manner likely to cause unnecessary suffering or injury to health, contrary to section 20(1) of the Children and Young Persons Act (Northern Ireland) 1968. This offence carries a maximum sentence of ten years imprisonment and/or a fine. Since this defendant has been convicted of a serious and specified offence, the court must give consideration as to whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further such offences – see Article 15(1) of the Criminal Justice (Northern Ireland) Order 2008. In making this assessment the court may take into account any information about the offender which is before it. Having regard to all the material with which I have been provided including the contents of the comprehensive pre-sentence report prepared in this case, I do not consider that there is a significant risk to members of the public arising from the said conviction and that the court can deal with this offence, if it considers it appropriate to do so, on the basis of a determinate custodial sentence.

[46] The Northern Ireland Court of Appeal decisions of *R v W* [2014] NICA 71 and *R v CD* [2021] NICA 45 are the leading authorities in this jurisdiction in relation to sentencing for offending contrary to section 20. I set out para [15] of *CD* in full.

> "[15] In *R v W* [2014] NICA 71 the Court of Appeal summarised the principles in applying sentencing in cases of child neglect and child cruelty at paragraph [19] and we repeat these:
>
> > '[19] The sentencing authorities stress that sentencing in cases of child neglect and child cruelty necessitates a careful consideration of the entire factual context. In *R v Orr* [1990] NI 287 the Court of Appeal stressed that it is necessary for the courts to protect children and to deter those who might cause them injury. Cases of repeated actions are more serious than a simple incident. The English Court of Appeal in *R v Bereton* [2002] 1 Crim App Reports (S) 63 pointed out that the sentencing authorities in child cruelty cases are distinctly limited as each case of this type turns on its own facts. The courts must ensure punishment and deterrence (*R v Durkin* [1989] 11 Crim App Reports (S) 313).

> There can be an immense variety of facts in such cases and the degree of seriousness with which they will be regarded (*Attorney General's Reference (No 105 of 204)* [2005] 2 Crim App Reports (S) 42). It is thus clear that no two cases in this field will be the same and the precedent value of other sentencing decisions in different factual context will be limited.'"

[47] Bearing in mind that we are dealing with the murder of a child which said heinous crime was facilitated by the defendant's actions in leaving her child in the care of Darryn Armstrong, contrary to the specific prohibition in the Protection Plan, it cannot be properly argued that the custody threshold is not exceeded in this case. The requirement to adequately address the issue of deterrence must not be lost sight of in cases of this nature. Further, in this particular case, there is a need to send out a clear message that those who flout Protection Plans with the result that a child is harmed can expect this flouting to be regarded as a significant aggravating feature when the court comes to consider the issue of culpability.

[48] The court is acutely aware of the many mitigating features identified by the defendant's legal team, and it is undoubtedly the case that she has shown great remorse and has made great efforts whilst on bail to demonstrate that she wishes to turn her life around and to engage with all of the voluntary and statutory supports available to her. However, the court is dismayed to put it mildly, at her attempts to shift responsibility for this tragedy onto Social Services on the basis that they did not give her a sufficient warnings or information about Mr Armstrong. It is abundantly obvious that she chose to disregard the ample and comprehensive warnings given to her. It is clear that she lied to Social Services about the nature and extent of contact which she and her children had with Mr Armstrong in the lead up to this tragedy and it is also clear that she has been giving contradictory accounts to Social Services and Probation about the status of her present relationship (whether they are or are not cohabiting). It is somewhat concerning that her new partner also has a history of offending and a history of drug abuse.

[49] Taking all the matters into account and having due regard to the late guilty plea, I am of the view that the appropriate determinate custodial sentence in this case would be one of three years with half that period being the custodial element and half being the licence element. However, I have considerable doubts about the utility or value of such a sentence in this case. I say this for the following reasons:

(i) The defendant, Jade Dempsey, is an exceptionally vulnerable individual who has gravitated towards harmful relationships through some deep emotional need to be involved in a relationship, irrespective of the risk that this might give rise to either to herself or her children.

(ii) This trait, whether it results from a personality disorder or otherwise, needs to be addressed. She needs to be able to access and avail of appropriate support, counselling and therapy so that she can finally come to terms with the undoubted childhood and later traumas she experienced in order to enable her to build emotional resilience and self-belief so as to equip her with the ability to recognise and fully appreciate the risks associated with certain relationships.

(iii) Despite her troubled background and harmful relationships, she has in the main avoided falling foul of the law in this or any other jurisdiction apart from this most tragic episode in her life.

(iv) She has shown initiative in attempting to gain qualifications during the thirteen months she spent in custody and in gaining employment upon release on bail in order to make a life for herself.

(v) She needs help, support and appropriate intervention to help her on this path.

(vi) The imposition of a DCS of three years at this juncture would be utterly counter-productive when looking at how best to achieve the goals set out above.

(vii) The defendant was in custody on remand in Hydebank for just over a year prior to perfecting her bail. This period of incarceration is the equivalent of a two year plus DCS.

(viii) The imposition of a three-year DCS at this stage would mean that because of the time she has already spent in custody on remand, she would be returned to custody for a further period of six months and would then be subject to licence for a period limited to eighteen months, which would be a wholly inadequate period within which to assess the defendant's therapeutic needs and to provide the appropriate interventions to meet those needs.

(ix) A return to prison at this stage, when she has done quite well in the community on bail would be utterly futile.

(x) I note the defendant's frank admissions that in despair following her daughter's death, she accessed illicitly obtained Subutex (opiate substitution therapy) in the prison environment and in the context of a person who was not previously addicted to opiates, this is quite alarming. I do not want to expose her to that risk again.

(xi) The period in custody on remand following the death of her daughter and the taking into care of her youngest child was exceptionally difficult for this young woman. Yet despite this she availed of the opportunity to obtain worthwhile and practical qualifications.

(xii) The defendant decided to undergo tubal ligation at the time of her last caesarean section delivery. Unless reversed, she will not be able to have another child. The truth of the matter is that unless she is provided with the type of

interventions outlined at (ii) above, there is every likelihood that she will continue to gravitate towards harmful relationships. However, next time round it will not be a child who will be exposed to the risk of violence as a result of her poor decision making; it will be her. Through this sentencing exercise, I hope to put in place support mechanisms which will significantly reduce the chances of this young woman becoming yet another entry in this jurisdiction's appallingly bad femicide statistics.

[50] Before finalising what will be a community sentence in this case, I must formally state that I am firmly of the opinion that the index offence is clearly serious enough to warrant such a sentence. I am also firmly of the opinion that the imposition of a community sentence in the form of a probation order under which the defendant will be supervised by a probation officer is desirable for the purposes of securing the rehabilitation of the offender and for the purposes of protecting the public from harm from her and preventing the commission by her of further offences. In reaching this opinion I have carefully considered all the material available to me including the very comprehensive pre-sentence report authored by Ms Sarah Cunningham. In the preceding paragraphs I have explained why I consider that a community sentence in the form of a probation order is appropriate and desirable, and the probation order I intend to make is one of three years' duration. Specifically, the probation order will require her to meaningfully avail of and engage in appropriate support, counselling and therapy directed at enabling her to come to terms with the undoubted childhood and later traumas she has experienced in order to enable her to build emotional resilience and self-belief so as to equip her with the ability to recognise and fully appreciate the risks associated with certain relationships.

[51] I must advise you that any failure to comply with the terms of the probation order imposed in this case will result in proceedings being initiated to formally establish a breach of the order and any such finding may result in the probation order being revoked and you finding yourself in the position of being sentenced for the original offence of which you were convicted upon your guilty plea. I must also advise you that the court has the power to review the probation order on the application either of you or of the supervising officer. Under the relevant legislation, I cannot impose a probation order unless you indicate and express your willingness to comply with the requirements of that probation order. Jade Dempsey, are you willing to comply with the requirements of the probation order in this case which involves you in complying with the lawful directions and instructions given to you by your supervision probation officer under the said order?

[52] Jade Dempsey having clearly indicated your willingness to comply with the requirements of the probation order in this case and to comply with the lawful directions and instructions given to you by your supervision probation officer under the said order, I impose a probation order of three years duration in your case.