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

Delivered: 21/02/2024

IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT BELFAST

THE KING

v

DANIEL SEBASTIAN ALLEN

David McDowell KC with Simon Reid (instructed by the Public Prosecution Service) for
the Crown

Frank O'Donoghue KC with Mr Ian Turkington (instructed by GRB Solicitors) for the
Defendant

O'HARA J

Introduction

[1] The defendant pleaded guilty on 6 June 2023 to the following five charges, each offence having been committed on 27 February 2018:

- (i) Manslaughter of Denise Gossett who was 45 years old.
- (ii) Murder of Sabrina Gossett who was 19 years old.
- (iii) Murder of Roman Gossett who was 16 years old.
- (iv) Murder of Morgana Quinn who was 15 months old.
- (v) Arson with intent to endanger life.

[2] At the time of the crimes the defendant was 27 years old and is now 33. Denise Gossett was his partner. She was the mother of Sabrina and Roman Gossett. Morgana was Sabrina's daughter. There were therefore three generations of the Gossett family among the dead.

[3] On 6 June 2023 when he pleaded guilty to these crimes, I sentenced the defendant to life imprisonment for the three murders. I must now set the tariff which is the minimum time he will serve in prison before his release is considered by the Parole Commissioners. When that minimum period of time has passed the Commissioners will decide whether he poses any risk to the public and the extent of that risk. He may be released immediately or detained for some more years or never released at all. That will be a decision to be taken at some point in the future when there is information about how (if at all) he has changed and responded to supports offered to him in the intervening years.

[4] In addition to setting the tariff, I will sentence the defendant for the manslaughter of Denise Gossett and for the arson. Since those offences were committed at the same time as the three murders, the sentences which I impose will be concurrent, not consecutive. That means that they will not add extra years to the time spent in prison. The manslaughter and arson are, however, important because they demonstrate, over and above the murders, additional criminal conduct and show just serious the defendant's crimes were.

Factual background

[5] The factual background in this case is unusual. The pleas were entered by the defendant on the basis that:

- (a) In killing Denise Gossett he acted in pursuance of a suicide pact between him and her.
- (b) Sabrina was responsible for administering fatal doses of a drug known as GHB to Roman and Morgana in circumstances by which he was aware that she was likely to do so and, accordingly, he has pleaded guilty to their murder as a secondary party.
- (c) He accepts that he killed Sabrina and asserts that this was by strangulation. He further asserts that there had been discussions between Sabrina and him around the issue of suicide but that this was not sufficient to amount to a suicide pact. On that basis he pleaded guilty to her murder.
- (d) The fire was part of the suicide pact between the defendant and Denise Gossett.

[6] The prosecution does not accept that basis of plea. In those circumstances the court's options are dictated by the guidance of the Northern Ireland Court of Appeal at para [7] of *R v Connor Doyle (AG's Reference No 6 of 2004)* [2004] NICA 33. The Court of Appeal stated:

“In *R v Newton* (1983) 77 Cr App R 13 it was held that where there is a plea of guilty but a conflict between the

prosecution and defence as to the facts, the trial judge should approach the task of sentencing in one of three ways: a plea of not guilty can be entered to enable the jury to determine the issue; or the judge himself may hear evidence and come to his own conclusions; or the judge may hear no evidence and listen to the submissions of counsel. If the last of these options is chosen and there is a substantial conflict between the two sides, the version of the defendant must so far as possible be accepted.”

[7] The defence asserts that the prosecution is unable to gainsay the defendant’s explanation of events. Accordingly, the defendant has submitted that he falls to be sentenced on the basis of his plea. The difficulty about that submission is that in some instances the defendant’s explanation of events is not supported by independent evidence. Indeed, in some respects it is contradicted by any sensible interpretation of the available evidence.

[8] While this is all highly unsatisfactory, the fact is that the only person involved in these events who is still alive is the defendant. While I can express my scepticism and doubts about his versions of events (which have repeatedly changed when speaking to different individuals) the end result in terms of sentencing may not be very different. However, one looks at the facts of this case, he has admitted his involvement in the murders of an infant of 15 months and a teenager of 16 years. In addition, he has admitted his direct personal responsibility for the murder of Sabrina who was only 19 and his responsibility for killing her mother, Denise.

[9] The summary of the background which follows is pieced together from various sources including social work records, the pre-sentence report from the Probation Board and medical reports in addition to what the defendant himself has said. It may not be entirely accurate for the simple reason that the defendant’s versions of events cannot be relied upon.

[10] The murder scene was a house rented 14 months before the fatal events in rural County Fermanagh. It is important to explain why the defendant and those who died because of him came to be there since they had no connection whatever with Fermanagh or Northern Ireland.

[11] The defendant who is English met Denise Gossett online, perhaps in 2016. He claimed that she had changed her surname in order to avoid her ex-partner who was threatening her. Whether this was initially true or not, it is apparent that she was by 2017 far more intent on hiding her whereabouts from social workers. Apart from Sabrina and Roman who were to die in February 2018 she had other children who had been taken into care.

[12] The defendant appears to have met Denise Gossett online through a shared interest in BDSM i.e. sexual activity involving the use of physical restraints, the

granting and relinquishing of control and the infliction of pain. According to the version he gave to Dr Kennedy, psychiatrist, they had regular sex using handcuffs, ropes and other sex toys.

[13] On the available limited evidence it appears that the defendant moved to Scotland to join Denise Gossett and her family very soon after they connected online. It then seems that by 2017 they had moved from Scotland to County Kerry to escape the attentions of social workers who were concerned about the welfare of the newly born Morgana. After some months there, with Irish social workers having been contacted and becoming involved, they moved to County Cavan near the Irish border before moving once more over the border to County Fermanagh. In February 2018 Northern Ireland social services had become aware of their presence and were on the verge of intervening.

[14] Whatever this life was like for the defendant and Denise Gossett, it must have had a miserable effect on Roman who was not attending school, who was denied teenage companionship and who was being shunted from one place with which he had no connection to another and then to another.

[15] Nobody in this unit of five people (which cannot be sensibly described as a family) worked or went to school. They did not socialise. Instead, they lived off state benefits. When groceries were delivered to their rented home, the delivery driver was told to leave the items outside. It seems that no outsider was allowed into the house.

[16] By late 2017 it appears that the defendant's relationship with Denise Gossett was in some difficulty. He had become involved online with a woman in the United States through a group which he had joined in order to play World of Warcraft. He told her in late 2017 that his relationship with Denise Gossett had broken down and he began to talk about moving to America. He and the woman in America continued to communicate through January and February 2018. Their last communication was two days before the murders.

[17] Early in the morning of 27 February the alarm was raised by neighbours when they saw the rented house on fire. When local people, the fire service and police arrived at the scene they found the defendant standing on the front porch while the house was ablaze behind him. His hands were raised in the air, and he was roaring and shouting "don't go in there." He was obviously distressed. Some local individuals tried bravely to go into the house but were driven back by the ferocity of the fire. The fire service, on learning that there were people inside, went in some distance and were able to see one of the bodies but then withdrew in the knowledge that nobody could possibly have survived a blaze of that intensity. At the scene the defendant admitted that he had started the fire and told a paramedic that "a promise is a promise", a phrase which he kept repeating. He also said that he had promised "to put them to the next life because they did not want to stay here no more." He added that "they didn't want to be buried."

[18] The defendant said that he had drunk GHB which is a drug which has been used as an anaesthetic and hypnotic agent for many decades. In recent times it has become popular as a drug of abuse which has euphoric effects when taken in low doses. However, in higher doses it can result in drowsiness, sedation, unconsciousness, seizures and ultimately death. GHB can only be traced inside an individual between six and eight hours after it has been taken. Beyond that time it dissipates. When the defendant was tested at hospital, five and a quarter hours after the fire, his reading was 10mg per litre, a very small amount. On the other hand, Sabrina had a reading of 155mg, Morgana had a reading of 730mg and Roman a reading of 486mg.

[19] The post-mortem examinations and analysis of the four dead family members reveal that both Morganna and Roman were most probably dead before the fire was started. In each of their cases the most likely explanation for their death is that they were administered GHB in huge doses. So far as Sabrina is concerned, she had no soot staining of her mouth or throat which indicates that she had not inhaled a significant quantity of smoke. From this it has been concluded that she was probably dead when the fire started. The defendant claimed that he had strangled her. Since her neck had been severely burned it was impossible to confirm that, but what remained of her body showed no evidence of strangulation. Some GHB was detected in her blood stream and may have played some role in her death but there is doubt as to whether it would have been enough to kill her. The cause of her death could not be ascertained primarily due to the severe burning of her body. It is significant, however, to note that her blood was found on the defendant's clothing, specifically his trousers and his T-shirt. Through his counsel he suggested that this blood came from her as he was strangling her, an explanation which the prosecution rightly views with considerable scepticism. We will never know exactly how the defendant killed Sabrina Gossett but as already indicated the fact is that he has admitted her murder.

[20] So far as Denise Gossett is concerned, the postmortem results show quite a different cause of death. She had soot staining of her mouth, throat, windpipe and the smaller airways of her lungs indicating that she was alive when the fire started and had inhaled smoke. She died as a result of the smoke inhalation. The GHB found in her system would have caused a degree of drowsiness but nothing more than that. She would have been unable to escape the fire, however, because she was handcuffed to the bed. According to what the defendant told the probation service who prepared a pre-sentence report, he had tried to strangle her before going to Sabrina's room to set the house on fire. He claims that it was intention to return to Denise's room and handcuff himself to her so that they would die together, but that after setting fire to the house he "blacked out." Whatever happened he did not handcuff himself to Denise Gossett, he did not attempt to keep his part of the alleged suicide pact and he did not suffer any injury other than some comparatively minor smoke inhalation which could easily have come from the fact that he was standing immediately outside the house when locals and the emergency services arrived.

[21] One shocking detail which illustrates just how appalling the circumstances were, is that Sabrina and Morgana were found together in the same room. The fire had become so intense that their bodies, lying beside each other, had become one single body in the heat of the fire.

[22] During police interviews the defendant largely took a “no comment” stance. This was in part, at least, because his legal representatives wanted to obtain a medical report on his mental state. In the event a number of medical reports were obtained.

Medical Reports

[23] There has been significant delay in bringing this plea of guilty and then the sentencing hearing to court. One major cause of that has been tracking down records of the defendant’s history from England to Scotland to Ireland and, finally, to Northern Ireland. The other major cause has been the efforts made on behalf of the defendant to find an answer to the legal question of whether he might be able, on psychiatric grounds, to plead guilty to manslaughter in relation to all four deaths.

[24] The manslaughter plea accepted by the prosecution in relation to Denise Gossett is based on section 14 of the Criminal Justice (NI) Act 1966. It states, in effect, that where there is a suicide pact which results in one person’s death but the other person surviving, the survivor is guilty of manslaughter, not murder. Despite some entirely understandable misgivings (which I share) the prosecution accepted the plea to manslaughter in relation to Denise Gossett. By definition, however, the defendant could not have had a suicide pact with the infant Morgana. Nor was he ever likely to be able to establish that there was one with 16-year-old Roman. Some effort was made to suggest that there was a suicide pact with Sabrina but that was abandoned. This has left him admitting three murders and one manslaughter.

[24] Before reaching that point, however, the defence sought psychiatric evidence to support the proposition that the defendant has a partial defence to all four murders on the basis of diminished responsibility. The legal basis for this is found in section 53 of the Coroners and Justice Act 2009 which redefined the law. It provides that an individual who kills another is not to be convicted of murder if he was suffering from an abnormality of mental functioning which:

- “(a) arose from a recognised mental condition,
- (b) substantially impaired the defendant’s ability to do one or more of the things mentioned –
 - (i) to understand the nature of his own conduct;

(ii) to form a rational judgment;

(iii) to exercise self-control.

(c) Provides an explanation for the defendant's acts or omissions in doing or being a party to the killing. An abnormality of mental functioning provides an explanation for the defendant's conduct if it causes, or is a significant contributory factor in causing, the defendant to carry out that conduct."

[25] It should be noted that this three part test deliberately sets the bar for diminished responsibility at a very high level. It recognises that in some cases a killer's illness is so grave that he should be convicted of manslaughter rather than murder but at the same time limits that possibility to a very small number of cases.

[26] In August 2020, a psychiatrist, Dr Sengupta, provided the defence with a report which supported a finding of diminished responsibility. His opinion was that in February 2018 the defendant suffered from emotionally unstable personality disorder which is a recognised medical condition. He also formed the view that on the day of the killings and the fire the defendant was in a dissociated state of mind, being out of touch with reality having consumed GHB. Accordingly, he was not able to understand the nature of his conduct. On the third part of the test, whether this provides an explanation of the defendant's acts, Dr Sengupta recognised that this is a matter ultimately for the court, but in his opinion, there was evidence to support that proposition.

[27] The diagnosis of a recognised medical condition was supported by the findings of Dr East who had treated the defendant for some time after he was transferred from prison in February 2020 to the Shannon Clinic at Knockbracken. The defendant remained there until June 2020 by which time Dr East considered that there was no continuing need for the defendant to be detained in hospital and he was returned to the prison. However, Dr East diagnosed the defendant as having an emotionally unstable personality disorder, the same condition identified by Dr Sengupta. In Dr East's view, the striking aspect of the defendant's presentation was "a range of maladaptive patterns of thought, feeling and behaviour." He also considered that the defendant's early life experiences with a broken family and extensive sexual abuse provided clear evidence of the origins of the disorder.

[28] Dr Kennedy was engaged by the prosecution to respond to Dr Sengupta's report. She interviewed the defendant twice in December 2020 and reported in March 2021. She agreed that he had an abnormality of mental functioning arising from the recognised medical condition, namely emotionally unstable personality disorder. However, on her analysis this did not mean that his ability to understand what he was doing or form a rational judgment or exercise self-control was

substantially impaired. On the evidence, which it must be said she analysed and scrutinised rather more persuasively than Dr Sengupta, the suicide pact had been considered and planned for nearly six months, from September 2017. The GHB had been bought and consumed over some months and an excess of heating oil had been ordered so as to ensure that when the house was set alight it would be entirely destroyed. In Dr Kennedy's eyes none of this was consistent with the defendant being unable to understand what he was doing. If anything, more was needed, the defendant was recorded asking police when they arrived at the scene which officer was going to arrest him. That question is entirely in keeping with an awareness of what he had done and that it was legally wrong.

[29] I was informed by Mr O'Donoghue KC during the oral hearing that Dr Sengupta has retired and was not available at trial to advance the case for diminished responsibility. Nor has the defence been able to find any other expert who would support such a proposition.

[30] The end result of the reports, therefore, is that there is broad agreement that the defendant has or had an abnormality of mental functioning arising from a recognised medical condition, but that it did not substantially impair his ability to understand the nature of his conduct or to form a rational judgment or to exercise self-control.

[31] This led to the pleas to murder in respect of Sabrina, Roman and Morgana. The issue in sentencing terms is the extent to which the defendant's mental condition should affect the tariff which I must impose on him.

The defendant

[32] It is necessary to refer in some more detail to the defendant's personal background. He has a conviction from July 2015 at Ipswich Crown Court for a threat to kill an ex-partner who accused him of rape. Sentence was deferred for three months during which time he was required to live at an address approved by a mental health team. This indicates that a level of support was being offered to him. Unfortunately, he failed to turn up to court in March 2016 for sentencing and a bench warrant was issued for his arrest in May 2016. No further action is recorded as having been taken, perhaps because the defendant "disappeared" to Scotland where he joined Denise Gossett.

[33] From all of the available evidence it is clear that the defendant comes from an unstable and unhappy background (as identified by Dr East and others). His parents separated when he was two years old. He lived unhappily with his mother until he was 12 when he left because of physical and sexual abuse from some of her partners. At that point in his life he went to live rather more happily with his grandparents with whom he stayed until he was 20. In terms of education, he appears to have attended a special needs primary school followed by mainstream secondary education. He left school at 15 without qualifications and has never

worked in any employment since then. Instead, he appears to have lived his life online, living in a fantasy world with very limited connection to what most of us would think of as the real world.

[34] At various points in his life he has received medication for mental health conditions including a tranquiliser which was prescribed when he was 22 when he reported that he was hearing voices.

[35] On no view has the defendant led anything like a normal life. In part this comes from his family background, which was unhappy and abusive, at least until he escaped to his grandparents. By that time, however, significant damage had been done to him which was perhaps irreparable. In other respects, however, his life has gone wrong by being lived on the internet although that is a life which he may have turned to and felt comfortable with because of his isolation from others.

Victim impact statement

[36] The damage caused by the defendant's actions is explained in moving terms by Samatha Gossett, Denise's eldest child. She describes how her life has been "utterly destroyed" by the defendant's actions. Every year when mother's day comes around she feels pain and when she is on family holidays, she also has to take time to herself and come to terms with the fact that her mother will never get to meet her children or come to her wedding. In addition, she refers to the many things she would love to tell her mother, but she will never have the chance to do so as a result of the actions of the defendant.

The law

[37] In murder cases in Northern Ireland the guidelines which are followed are found in *R v McCandless* [2004] NICA 1, in that judgment the court adopted as its approach what had been set out by Lord Woolf CJ in a Practice Statement reported at [2002] 3 All ER 4112. The relevant parts of the Practice Statement are as follows:

"The normal starting point of 12 years

10. Cases falling within this starting point will normally involve the killing of an adult victim, arising from a quarrel or loss of temper between two people known to each other. It will not have the characteristics referred to in para 12. Exceptionally, the starting point may be reduced because of the sort of circumstances described in the next paragraph.

11. The normal starting point can be reduced because the murder is one where the offender's culpability is significantly reduced, for example, because: (a) the case

came close to the borderline between murder and manslaughter; or (b) the offender suffered from mental disorder, or from a mental disability which lowered the degree of his criminal responsibility for the killing, although not affording a defence of diminished responsibility; or (c) the offender was provoked (in a non-technical sense), such as by prolonged and eventually unupportable stress; or (d) the case involved an overreaction in self-defence; or (e) the offence was a mercy killing. These factors could justify a reduction to eight/nine years (equivalent to 16/18 years).

The higher starting point of 15/16 years

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.

Variation of the starting point

13. Whichever starting point is selected in a particular case, it may be appropriate for the trial judge to vary the starting point upwards or downwards, to take account of aggravating or mitigating factors, which relate to either the offence or the offender, in the particular case.

14. Aggravating factors relating to the offence can include: (a) the fact that the killing was planned; (b) the use of a firearm; (c) arming with a weapon in advance; (d) concealment of the body, destruction of the crime scene

and/or dismemberment of the body; (e) particularly in domestic violence cases, the fact that the murder was the culmination of cruel and violent behaviour by the offender over a period of time.

15. Aggravating factors 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 to risk.

16. Mitigating factors relating to the offence will include: (a) an intention to cause grievous bodily harm, rather than to kill; (b) spontaneity and lack of pre-meditation.

17. Mitigating factors relating to the offender may include: (a) the offender's age; (b) clear evidence of remorse or contrition; (c) a timely plea of guilty.

Very serious cases

18. A substantial upward adjustment may be appropriate in the most serious cases, for example, those involving 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 would 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."

[38] When deciding what tariff to impose on this defendant for these murders, I bear in mind that these are guidelines, not a straitjacket and that no two cases are ever the same. I also bear in mind that the guidelines are not to be applied arithmetically e.g. three mitigating features do not cancel out three more serious aggravating features. I also remind myself of the need to avoid double counting factors so that one factor which takes the tariff upwards from a starting point is not to be counted again as an aggravating factor. However, the number of years which it may add to the tariff is not necessarily limited.

[39] In this jurisdiction, unlike England & Wales, a whole life tariff meaning that a prisoner is never to be released is exceptionally rare. The last time one was imposed was in the case of *R v Hamilton*, in which the defendant abducted, brutalised and murdered a 65 year old lady on her way home from mass in the most appalling

circumstances. Her decomposed body was only found almost four months later. Hamilton had a criminal record which included a conviction for rape. He had been released from prison only four months before the murder. At his trial he denied the murder, but the jury found him guilty. He was 21 at the time of the murder and 26 when his case reached the Court of Appeal.

[40] The trial judge decided that within the framework of the Practice Statement this was a higher starting point case, a point with which the Court of Appeal entirely concurred. He concluded that the demand for retribution and the need for deterrents made that an exceptional case and one in which a whole life sentence was appropriate. The Court of Appeal disagreed and substituted in its place a tariff of 35 years. I note that at para [37] of its judgment which is reported as [2008] NICA 27 the Court of Appeal had this to say:

“... Hamilton was a fully developed adult at the time that he committed this murder. He was of average intelligence. He did not suffer from any mental illness or abnormality of personality. His extensive experience of the criminal justice system can only have left him fully aware that what he had embarked on was a monstrous crime. He had failed to avail of the abundant advice, direction and counselling that he had been offered. This was no ingénue, unfamiliar with the ways of the world or one who came from a sheltered background. There is no reason to suppose that he had not reached full maturity.”

[41] In addition, I was helpfully referred to the case of *R v O'Neill* [2022] NICC. In that case the defendant was convicted by a jury after a trial of murder of a young woman and of destroying her home by setting fire to it. The tariff imposed on him by Scofield J for the murder was 22 years.

[42] I emphasise that both in *Hamilton* and in *O'Neill*, the defendants were unable to receive any allowance for a plea of guilty because they had denied the charges.

Submissions

[43] I am grateful to counsel for their very helpful submissions which have highlighted the most important issues with which I have to deal.

[44] For the prosecution, Mr McDowell identified an extensive list of aggravating features which were present in this case. They include the following which I accept:

- The defendant committed multiple murders.
- The killings were planned.

- Two of the victims were children – Roman who was 16 and Morgana who was 15 months.
- The victims were vulnerable in the sense that they were no physical match for the defendant.
- The destruction of the crime scene by fire.
- The defendant had armed himself with a knife which may be relevant to the death of Sabrina.
- The victims sustained injuries before or after death with their bodies being burnt to such an extent that they could not be easily identified.
- The intention was plainly to kill.
- The domestic context in that the defendant lived and had lived for more than a year with Ms Gossett and her children and granddaughter.
- The fact that the defendant has a previous conviction.
- The impact of the murders on the victims’ family.

[45] It was submitted on behalf of the prosecution that the only mitigation of this offending was the guilty plea.

[46] For the defendant, Mr O’Donoghue accepted inevitably that this was a case in which the higher starting point in the Practice Direction is engaged by reason of multiple aggravating factors. He then emphasised the personal circumstances which I have summarised above as representing significant mitigation and suggested that, all things considered, the starting point for sentencing before allowing credit for the guilty pleas was in the region of 20-24 years.

Discussion

[47] Having considered all of the papers, reports and submissions it is still unclear to me what exactly happened and why these deaths occurred. The defendant’s unhappy background and virtual addiction to living online explain the deaths in part. But I do not accept that he lived as detached from reality as has been suggested. As Dr Kennedy correctly identified in her report, the killings took planning, and that planning took months. This is not a case in which there was a sudden detachment from reality or loss of control. On the contrary, the fire seen by neighbours early on the morning of 27 February 2018 was the quite deliberate culmination of what had been planned for some time.

[48] If I am sure of anything, it is that the defendant has not told the truth about the whole sequence of events. I am not convinced he ever planned to commit suicide as part of a pact with Denise Gossett though I accept that may explain what happened. He claims that after he had handcuffed her to the bed and started the fire his intention was to go back to her room, handcuff himself to her and die with her but that he then “blacked out.” I must recognise that the prosecution has accepted a plea to manslaughter on the basis of a suicide pact but like the prosecution I have my doubts.

[49] Nor am I convinced that he strangled Sabrina. The evidence suggests that she bled extensively with her blood being found on the defendant’s clothes. On either approach he murdered her, but the difference between the actual evidence and his explanation is striking. Inevitably, this leaves me wondering who poisoned Roman and Morgana and in what circumstances – was it really Sabrina on her own as he claims or did the defendant himself have more of a role to play?

[50] His version of events has changed and keeps changing. Even in the helpful pre-sentence report, there is a new version which is that his plan was for everyone to die except Morgana who was to be spared. He claimed, “I wanted her to live her life, but it was taken from me.” By implication this was Sabrina’s fault since he blames Sabrina for poisoning Morgana and Roman. If that is so, why have we heard about it for the first time in the pre-sentence report?

[51] Mr O’Donoghue was forced to suggest that the proper conclusion is that the defendant is utterly dysfunctional, detached from reality and delusional. He encouraged me to view the body worn footage taken by police at the scene. I did that and saw a hysterical and distressed defendant, but I do not have the psychiatric skills to interpret that footage and reach any meaningful conclusion about his presentation. Instead, I rely on qualified psychiatrists like Dr Kennedy who concluded that while he does suffer from a mental abnormality it could not be said that he did not know what he was doing in February 2018 and in the preceding weeks and months.

[52] Even setting aside my doubts and accepting his version/s of events and allowing for the defendant’s personal difficulties, his unhappy and abusive formative years, and the personality disorder which they brought about, I conclude that there is a very dangerous and disturbing part of his make-up which led to these three murders. Sabrina was only 19 years old and starting out on a life made immeasurably more difficult for her by her mother and by her mother’s choice of partner, including the defendant. The other two murder victims were the isolated teenage boy, Roman, and the infant, Morgana. They could hardly have been more vulnerable, yet the defendant murdered them. The defendant’s role in these three murders must bring with it an assessment that his culpability for what happened is exceptionally high.

[53] At para [18] of the Practice Statement it is recognised specifically that “a substantial upward adjustment may be appropriate in the most serious cases, for example, those involving a substantial number of murders or if there are several factors identified as attracting the higher starting point present.” Here we have three planned murders with two of the dead being children. And that is before any account is taken of the manslaughter and the arson. Identification of the bodies was difficult in the extreme because the ferocity of the fire destroyed the house and the bodies within it. And I repeat that the intensity of the fire joined the remains of Sabrina and Morgana in death into a single being.

[54] In Hamilton, after a contest, the Court of Appeal fixed the tariff for that single shocking murder at 35 years. In that case the defendant appears to have had no mitigating circumstances whatever. Before making some allowance for the guilty pleas in the present case, I set the tariff at 33 years. In doing so, I recognise the mitigating aspect of his personal circumstances as evidenced by the various reports, but emphasise that that mitigation is, indeed, limited.

[55] I turn then, in terms of the tariff, to make allowance for the pleas of guilty. These pleas came at the start of the scheduled trial in June 2023. They should really have come earlier, even allowing for the legitimate efforts to explore the possibility of diminished responsibility. Being realistic, Dr Kennedy’s analysis in early 2021 rather closed the door on diminished responsibility.

[56] Nonetheless, our law recognises that there is a value to pleas of guilty even where the evidence against a defendant is so strong as to be almost overwhelming. The rationale for this is that it saves the family and the wider public from having to relive the horror of the murders through a trial. Making some allowance for the pleas of guilty I reduce the tariff from 33 years to 29 years.

[57] Finally, I turn to the sentencing for manslaughter and arson. As I stated at the start of these remarks, these sentences are perhaps less important but only because they will be served concurrently with the murder sentences. For the manslaughter of Denise Gossett, I impose a sentence of 12 years. For the arson with intent to endanger life I impose a sentence of 10 years.

[58] The effect of this ruling, and of the life sentences imposed in June 2023, is that the defendant will serve 29 years in jail before he is considered for release by the Parole Commissioners. Since he has been in custody since February 2018, that will bring him to 2047. It will then be for the Parole Commissioners to assess whether he continues to pose a risk to the public. Their analysis will take account of the evidence in the depositions, the reports obtained for this trial, these sentencing remarks and how the defendant has responded in prison to whatever opportunities he is given there in the years ahead.

[59] Even if the defendant is released at some point, which is far from certain, he will face the risk of being recalled to prison in the event of any further offending because of the life sentences imposed last year.