

Case No: 62CA1726112

The Law Courts, Cathays Park,
Cardiff CF10 3PG

Date: 18 December 2013

Before:

THE HONOURABLE MR JUSTICE ROYCE

Between:

THE QUEEN

- v -

**IAN WATKINS
AND B
AND P**

SENTENCING REMARKS

.....

Mr Justice Royce :

1. Those who have appeared in these Courts at the Bar or on the Bench over many years see and hear a large number of horrific cases. This case however breaks new ground.
2. Any decent person looking at and listening to the material here will experience shock; revulsion; anger and incredulity. What you three did plumbed new depths of depravity.
3. You Watkins achieved fame and success as the lead singer of the Lostprophets. You had many fawning fans. That gave you power. You knew you could use that power to induce young female fans to help satisfy your apparently insatiable lust and to take part in the sexual abuse of their young children. Away from the highlights of your public performances lay a dark and sinister side.
4. What is the background ?

Count 18 dates back to March 2007. You met TT after a Lostprophets concert when she was a 16 year old virgin. The prospect of taking her virginity excited you. You got her to dress in a schoolgirl's outfit and you videoed her and you having oral, vaginal and anal sex. You asked her whether she enjoyed being your underage slut. At the end you urinated over her face and told her to drink it.

That gives some insight into your attitude to young females at that time over 5 years before the counts relating to B and P.

Count 19 dates back to August 2008. The girl KJ was another fan aged 16. You videoed her having oral sex with you. She is to be seen snorting white powder

which you told her was cocaine. The taking of drugs linked with your sexual activities is a recurring theme.

Count 31 relates to about 90 indecent photos of children. They include 45 at level 4 and 2 at level 5. The age range of the children is from 2 to 14 years.

Count 32 involves images and videos of extreme pornography. There are 22 images of bestiality including oral and vaginal sex with dogs.

Watkins and B

5. You B were only 19 when you met Watkins in late 2011. The communications between the two of you in March and April 2012 are seriously disturbing. That you were manipulated by Watkins may be obvious. But you were a mother. Your infant was only 10 months old. A mother naturally loves, protects, shields, nurtures and cherishes. Your infant would have trusted you implicitly. You totally betrayed that trust. What did you do? You had detailed discussions with Watkins about the sexual acts to which the two of you were going to subject your infant.
6. You told the police you met up with Watkins at the Cophorne Hotel in Cardiff. On 21st March Watkins says “Come down this weekend and we can fuck him up again “You text back saying “tell me if you want to get your dick in our boy”. You had previously referred to getting your boy high on ice i.e. methyl amphetamine.
7. This is what led up to the session at the K West Hotel in London on the night of 2nd/3rd April recorded on the video. What did you do? You presented your baby to him so that he could try to rape him. First in the mouth. Then in the anus. Watkins can be seen spitting on the boy’s bottom to facilitate his attempt. You can be heard and seen encouraging him. Could there be a greater betrayal?

8. And then what did you do? You took your little boy's penis in your mouth and gave him oral sex. You then took the boy's hand and put it on your own vagina. Watkins then masturbated the boy. The planning and graphic detail are bad enough. The videoing of what you were both doing is an aggravating factor. The enjoyment both of you can be seen to derive from what you were doing is both sickening and incomprehensible.
9. What happened after this? On 24th May you send Watkins a message saying "the boy is ready to be abused".
10. On 2nd August his message is "to be honest though, I think we have gone easy on him so far. Time to teach him and MAKE him learn to love it". The evidence indicates you met at The Maldron Hotel in Cardiff. Then on 9th September you sent Watkins a photo of you licking your son's penis. Counts 4 to 7 relate to this. In all it is a dreadful catalogue of abuse of a previously innocent boy to satisfy your own interests and lusts.
11. Watkins and P

You P were a little older than B. You are now 24. Your communications with Watkins start in August 2012. It is not long before the communications turn to child sex abuse. There was talk of moving in together.

Watkins said "if u belong to me so does ur baby"

You responded "understandable... a mother - daughter slave duo worshipping you".

Watkins said "that's all she will know... a life of filth"

P said “the good thing about babies is put anything near their mouths and they start sucking it”. She went on to talk about both her and her baby sharing Watkins’ penis with their tongues.

The subsequent communications planning even more depraved activities for this little girl including forcing her to engage in sex with animals and how to take drugs defy belief. This P was your own flesh and blood you were talking about.

Watkins you referred to the girl as “my little fucktoy” and that sums up how you regarded her. Not as a human being but simply as a sexual object there for your pleasure.

You Watkins then said you could not wait to get mother and daughter taking crack cocaine.

You spoke of whoring her out to fat old men who would pay thousands. You went on “she needs to know mummy and daddy don’t love her she is just there to make us cum”. You spoke of torturing her for fun.

12. Count 11 to 13 relate to the taking of photos by P of the little girl’s genitalia and sending them to you Watkins.

Count 14 relates to you P penetrating your daughter’s vagina with your finger and sending a photo of that and similar images to Watkins. Your response Watkins was to say you could not wait to stretch her.

13. The lengthy split screen skype session on 12th September is again very disturbing viewing and listening. You Watkins encourage P to spit on her finger and penetrate her daughter. You P do just that with apparent enjoyment. Watkins is masturbating throughout. That is count 8.

14. You have both pleaded guilty to conspiring to rape the little girl and to conspiring sexually to assault her. The evidence is compelling that you P took your infant to meet up with Watkins at the Travel Lodge in Caerphilly on the 2nd October and/or at the Radisson in Cardiff on the 23rd October. What happened there is not recorded. You for a long time lied saying you had never met up with him. You now say you did but you left your baby with someone else. The evidence to me is compelling that you took your baby but I do not deal with you on that basis as I bear in mind you have been charged with conspiracy rather than the completed offences.

Let there be no mistake however. This plea means you accept that the two of you agreed that the little girl should be raped by Watkins and you both intended that that should take place. You Watkins initiated and orchestrated the appalling abuse but you P betrayed your daughter for your own selfish ends.

15. Discount for plea

You B are entitled to the standard one third discount as you entered your pleas at the first reasonable opportunity.

Watkins and P waited until just before the jury was sworn in on the second day. It is arguable that the case was so overwhelming that you should receive no credit. But I give you the conventional 10%.

16. Dangerousness

First Watkins.

The PSR. You spoke to the author of your desire to shock and your craving to push sexual boundaries. This craving was fuelled by your use of cocaine and methamphetamine which increased your sexual aggression. You spoke of not knowing to what extremes you would have gone but for your arrest. It is difficult to imagine anything much worse.

The author concludes “Mr Watkins presents a high risk of causing serious sexual, physical, emotional and psychological harm to children, both male and female, and to women, specifically his female sexual partners.”

The author also says “it is also my assessment that the child victims in this case appear to be coincidental to his need to dominate and to test out the extent to which his sexual partners would collude and participate in his sexual interests.”

Psychiatric report. Miss O’Neill told me on the last occasion they had a psychiatric report but it needed updating in the light of the changes in plea. There has been put before me a short report from Dr Huckle prepared after visits to Watkins in September and October. It refers to a report by a psychologist S. Van Scoyoc.

It does not deal with the issue of dangerousness and Miss O’Neill specifically does not ask for any adjournment to obtain further such evidence.

17. I bear in mind a number of factors : (1) the facts of these offences against these babies are enormously serious (2) the offending dates back to 2007; (3) the delight that Watkins evidently has when engaging in the most terrible offences involving tiny children; (4) his need to dominate any sexual partner and his corruptive influence over young females; (5) the using of drugs in combination with sexual assaults;(6) the interest in extreme pornography; (7) the almost complete lack of remorse; in this last respect the evidence of the phone conversations after the guilty pleas on the last occasion is enlightening. There is one further matter of concern. One of the passwords you chose, which needed the assistance of GCHQ to break was I FUK KIDZ.

I have no hesitation in concluding that there is a significant risk to the public, in particular to young females and children, of serious harm occasioned by the commission by you of further specified offences. That risk is high.

18. B.

There is a psychiatric report from Dr McFarlane dated 13/ 12/13.

There is reference in that report to your infatuation with Watkins and to his strong influence in your drug taking with him. The future risk of you reoffending in similar fashion is assessed as medium. It is not considered that you were suffering from a mental illness at the material time.

The PSR.

The author's assessment is that you pose a high risk of causing serious harm. The specific risk would be failure to protect children from others and sexual abuse by you. It is said however that you appear genuinely devastated for the harm you have caused your child and how his future will be affected.

19. P.

I have read the report from clinical psychologist Dr Krljes dated 1st December 2013. That was prepared at a time when you were still protesting your innocence of these offences. There is an addendum dated 17th December. The psychologist concluded that you had a mixed personality disorder. She also considered it likely you used your daughter as a tool to secure Watkins's acceptance of you. She considered that in the long term you would benefit from an opportunity to engage in psychological interventions targeting your personality disorder and sexual offending.

The risk of you reoffending in similar manner is assessed as relatively low. The PSR.

The assessment given is that you pose a medium risk of harm to children based on your current behaviour and the fact that you no longer have access to your own child who was most at risk.

20. Mitigation

Watkins you are aged 36 and have no previous convictions. Your mitigation is your late plea. I also take into account that through your offences over the last 6 years you have lost a valued position with your group. I also take note of the letters written on your behalf from those who know a different side of you.

B

You are aged 21. You have one previous conviction for an offence of fraud for which you received a suspended sentence. Apart from that you are of good character. Your principal mitigation is the fact that you pleaded guilty at the first reasonable opportunity. There appears to be genuine remorse.

P

You are aged 25 now and are of previous good character. You have the mitigation of a late plea. There are signs of remorse.

21. You B and you P will hopefully mature and on your eventual release will steer clear of the corrupting influence of the likes of your Watkins.

I consider that in your case B and your case P I can treat you as falling just short of the threshold necessary for dangerousness – and determinate sentences are appropriate. With Watkins that is not the case.

22. The Sentencing Guidelines

Factors indicating greater culpability are:

The planning (and its graphic detail)

The deliberate targeting of a vulnerable victim

The commission of the offences by two people acting together

The abuse of trust in the cases of B and P

The abuse of power in the case of Watkins

The commission of offences whilst under the influence of drugs

Factors indicating greater harm are:

The fact that a baby is particularly vulnerable

In the case of Watkins more than one victim

Repeated assaults on the same victim

Additional degradation through taking photos or videos as part of the offending

What is the position in relation to any harm suffered by these babies? While it is right to say there is no evidence of any residual physical harm it is not possible to say what psychological harm may have been suffered or may be suffered in the future. As is pointed out in paragraph 2.10 of the PSR for B “Given his very young age it is unclear what effect the abuse would have had on him. However this child is likely to have lifelong psychological difficulties coming to terms with the enormity of what has happened to him. Despite him

being placed in long term foster care...he will eventually learn the truth of his childhood and the abuse he was subjected to. The effects of which are significant and we cannot and should not underestimate the effect this will have on him for the rest of his life.” The statement from those who are now responsible for his care is very telling in this context.

One obvious immediate consequence is that they will be deprived of the love and care of their natural mother.

There is however disturbing evidence in respect of your daughter P. When her hair was analysed it showed she had been exposed to methamphetamine. It is said on behalf of P that she was only exposed to methamphetamine when in company with Watkins but it is urged that P might have gone back to her baby and somehow exposed her to it. It is not an issue which requires determination.

23. For rape of a child under 13 where there is abuse of trust or more than one offender acting together the suggested range is 11 to 17 years with a starting point of 13 years.

The same applies to assault by penetration of a child under 13.

The Guideline recognises that starting points and ranges are not rigid and that the circumstances of a particular case may justify going outside the Guideline. This is a case where in my judgment such departure would be justified. That is because of the horrific nature of the offences involving these babies and the other factors in respect of culpability and harm to which I have referred.

The suggested range for sexual assault of a child under 13 is 1 to 4 years with a starting point of 2 years. The range and starting point for taking indecent photographs and distributing them varies according to the level and volume.

24. Sentences

The Watkins/B counts

Counts 1 and 2. I bear in mind these were attempts and not the full offences although the video shows how close to the full offences these attempts were. There was though more than one offence. They were followed by further assaulting in count 3.

I take a starting point of 17 years after trial. In your case Watkins that reduces to 15.3 years.

In your case B it reduces to 11 years and 4 months.

On count 3 my starting point is 4 years which reduces in your case Watkins to 3.6 years which I round down to 3 years 6 months and in your case P it reduces to 2 years 8 months. Those will run concurrently.

Count 4 happened much later in September. It was a wholly separate incident of licking your son's penis and taking photos of it. My starting point is 4 years. With discount for plea the sentence is 2 years and 8 months. There will be concurrent sentences of 18 months after discount on each of counts 5 and 6. But those sentences will run consecutively to the previous sentences on B. Total sentence therefore in her case is 14 years.

On count 7 Watkins in your case you did not produce the photo although it was taken for your benefit. The sentence will be 12 months concurrent.

25. The Watkins/ P counts

Counts 8 and 9.

You P enthusiastically penetrated your daughter with your finger at Watkins' behest. The lengthy and distressing Skype episode has already been described. Count 9 is the agreement that she should be raped.

My starting point for each of you is 16 years before discount for plea. That reduces it to 14.4 years which I round down to 14 years 4 months on each count concurrent. On count 10 there will be a concurrent sentence of 3 years after discount. On counts 11 and 12 P your sentence after discount is 2 years concurrent.

Count 14 is a separate incident of you P holding open your daughter's genitals. You took a photo of that and sent it to Watkins. The starting point after trial on count 14 is 4 years reducing to 3 years 6 months on plea. There will be concurrent sentences of 12 months on counts 15 and 16. As I propose to make these sentences consecutive to your other sentences I have to consider totality. Having done so I reduce the sentence on count 14 to 2 years 8 months. The total sentence for you P is 17 years.

26. In your case Watkins I have to consider the remaining counts in totality. On counts 13, 17, 18, 19, 30 and 31 there will be concurrent sentences of 12 months. I am satisfied that you are a deeply corrupting influence; you are highly manipulative; you are a sexual predator; you are dangerous. The public and in particular young females and children need protection from you. On one view this is a case which would justify a “denunciatory” indeterminate sentence as in Saunders [2013] EWCA 1027. I bear in mind that such a sentence is one of last resort. The alternative is a very long extended sentence. In my judgment justice and protection of the public can and should be achieved by such a very long sentence.

The sentences on your offences with B must be consecutive to the sentences on your offences with P. But I have to bear in mind totality.

I therefore adjust sentences in this way.

The sentences on counts 1 and 2 will be 15 years.

The sentences on counts 8 and 9 will be 14 years consecutive. Custodial term 29 years.

There will be an extended period of licence under section 226A of 6 years on those counts.

All other sentences will be concurrent. Your total sentence is therefore one of 35 years.

In your case that means you will have to serve $\frac{2}{3}$ of the custodial term before you can be considered for release by the Parole Board. If you are released you will remain on licence for the extended period.

In your case B and P the usual rule will apply. You will be eligible for release after serving half your sentence. You will then be on licence. The detailed provisions will be explained to you by your counsel.

Other orders.

Forfeiture of exhibits.