



JUDICIARY OF
ENGLAND AND WALES

R v Hannah Cobley

Sentencing remarks of the Honourable Mrs Justice Carr DBE

Leicester Crown Court 7 June 2019

Introduction

Hannah Cobley, you are now 29 years old and stand convicted by the jury of the murder of your unnamed infant, a newborn baby girl. Following a concealed pregnancy, you gave birth in the outside toilet of the family home in Stoney Stanton in the early hours of 26 April 2017. Having brutally assaulted the baby causing fatal head (and other) injuries, you cleaned the area and placed your baby in a series of plastic bags which you tied up and then deposited in a waste garden area where you knew nobody went.

The Facts

You became pregnant in about October 2016, something of which you were aware by early April 2017 at the latest. You chose to tell no one. Rather you decided to conceal your pregnancy, as you had done previously in 2014 when you gave birth to what was another healthy infant in March of that year, again at home.

You did not want this further baby, the father of whom you say you cannot identify. By the time that you realised that you were pregnant, it was too late for a medical termination. I am sure that you decided that, one way or the other, this baby would not survive. So much is clear from your actions throughout, and for example your web searches and internet history on the night of birth. It is inconceivable that you did not think about your predicament and how to manage it by simply burying your head in the sand in the weeks before birth.

In any event, your waters broke on around 23 April 2017 when, as you were able to calculate, you were about 32 weeks' pregnant. Some 3 days later, around midnight on 25/26 April 2017, you went into labour, again as you knew. As the final urge to deliver approached you crept past your sleeping parents, past a warm and comfortable upstairs bathroom, downstairs and outside into the freezing cold and outside toilet. There you safely and quickly delivered your baby into the toilet bowl. The baby was healthy, alive and breathing like a normal infant, perfectly capable of survival. You did not call for medical, or even parental, assistance. Rather, you battered the baby's head against the hard-tiled floor and/or walls of the toilet with repeated blows causing 4 skull fractures and multifocal bleeding on the brain and with brainstem injury. You also gripped or squeezed the baby's neck and used an object, perhaps a wad of tissues, to place down the baby's throat, no doubt in attempt to silence and/or suffocate her. Despite her injuries, she survived at least 2 hours from birth.

You cleaned up the area, put your (still live) baby in plastic bags, one specifically around her head and shoulders, along with the sponge that you used and blood and meconium stained tissues, and carried her to the waste area where you knew she would not be found. You then returned to your bed, leaving your dying baby outside. As your web searches show, you at least suspected that she might still be alive for a while. You acted normally the next day, feeding the horses and going on a planned family trip to Skegness. But for your hospitalisation with medical birth-related complications on 29 April there is every likelihood that the baby would never have been discovered. Certainly, that was your intention.

I find without hesitation that you intended to kill the baby. That is the only conclusion consistent with your actions overall, including the severity and nature of her injuries and whatever the precise number of impacts.

Both consultant forensic psychiatrists who assessed you for the purpose of these proceedings are agreed that you were not suffering from any kind of mental illness, abnormality of mental functioning or disturbance of mind before, during or after the birth.

A feature of this tragedy is that, just as they welcomed your baby in 2014 and as you knew, your family would have welcomed this new baby and supported you and both of your children. Your actions were entirely selfish – motivated only by what you wanted and what you thought suited you and your lifestyle best. It was a truly shocking crime. Another feature has been your propensity to lie and repeatedly, including to the police, about the events leading up to and including the birth.

Your family has acted with obvious courage throughout these events, particularly your parents for whom this experience must be heartbreaking. I would wish to make it clear that they bear no responsibility for your actions.

Aggravating factors

There are the following statutory aggravating factors:

- a) This was a killing involving a significant degree of premeditation. You knew that you were pregnant weeks before the birth. From the outset you did not want the baby. You told no one about your pregnancy which you understood by now to be advanced, even though you knew that your family would have supported you. Even taking into account your natural reticence, I am sure that this was because it was always your intention that the baby would not survive. You made no plans for the baby, nor did you consult a doctor. You knew that your waters had broken in the days before birth and told no one. You considered in advance how you might kill the baby. You knew on the night itself that you were in labour. Still you kept it from your parents who were literally on hand. You went outside deliberately to give birth in secret. You took no action to save the baby, even though you suspected after your retreat to the house that she might still be alive;
- b) The baby is unlikely to have suffered for long but there would have been distress and pain when her neck and throat in particular were injured before unconsciousness took over;
- c) The victim was a defenceless new-born baby and the killing represented a gross breach of trust. I treat this aspect of the case as a single aggravating factor deriving from the relationship of mother to her own child;
- d) There was concealment of the body intended to be permanent. You revealed the location only after the pregnancy and birth (which you had denied) had been discovered by the doctors and you knew that the police were searching the premises.

There are further troubling features: the assault was particularly brutal – at least one of the experts said that he had never seen such severe brain injuries in a newborn. You covered the baby's head and shoulders with a separate plastic bag.

Mitigating factors

You are of previous good character which carries some weight, albeit limited in the context of this type of offending. You were hard working and devoted to your young first child. There has never been any suggestion that this child was at risk. I consider your surviving child's position carefully and the guidance to be found in *R v Petherick* [2012] EWCA Crim 2214. I accept that, although you were slow to bond, you genuinely love the

child, who is now 5 years old. Fortunately, the child is adored by those around her and I am confident being cared for excellently by the father and your family members.

I have heard evidence of your naivety and lack of sophistication. You left school at the age of 15. You will have to come to terms with these events, no doubt supported by your family. You are described as suffering currently from mild to moderate depressive disorder.

Sentence

I am obliged by law to sentence you to imprisonment for life on the count of murder of which you now stand convicted and I do so. I then have regard to Schedule 21 of the Criminal Justice Act 2003 and the scheme within it. That scheme is a flexible one, with a just outcome in each case depending on the specific facts and circumstances of the offending. Detailed consideration of aggravating or mitigating factors not taken into account for the purpose of fixing the starting point can result in a minimum term of any length whatever the starting point. The examples given against each starting point are illustrative and not exhaustive. Each case will always turn on its own facts. There is a need to have regard to proportionality in the sense identified in *R v Smith* [2017] EWCA Crim 1174; [2017] 2 Cr App R (S) 42 at [85].

In my judgment, the appropriate starting point in this case is 15 years.

The aggravating features in your case outweigh the available mitigation and justify a material increase in this starting point. Having regard to all relevant factors, I consider the appropriate minimum term on the count of murder to be **18 years**. The day that you have already spent in custody will count towards this minimum term.

This is the minimum term which you will serve in custody, before the Parole Board may consider your possible release.

In my judgment this minimum term accurately reflects the seriousness of the offence taking account of the statutory starting point and all relevant aggravating and mitigating factors and the totality of your offending. It is important that you – and everyone concerned with this case – should understand what your sentence for murder in fact means. The minimum term is not a fixed term after which you will automatically be released but the minimum time that you will spend in custody before your case can be considered by the Parole Board. It will be for the Parole Board to say at that time whether or not you will be released. If it remains necessary for public protection, you will continue to be detained after that date. You may never be released. If you are released you will be subject to licence and this will remain the case for the rest of your life. If for any reason your licence were to be revoked, you would be recalled to prison to continue to serve your life sentence in custody.

Finally, the surcharge provisions apply to this case and the order will be drawn up accordingly. I make no order for compensation or costs.