



**Regina**

**V**

**SAVANNAH BROCKHILL**

**FRANKIE SMITH**

**IN THE BRADFORD CROWN COURT**

**15 December 2021**

**SENTENCING REMARKS OF MRS JUSTICE LAMBERT DBE**

1. Star Hobson was born on 21 May 2019. She was 16 months when she was murdered. Her short life was marked by neglect, cruelty and injury. She was murdered by you Savannah Brockhill. Frankie Smith, it was your role as her mother to protect Star from harm. You have been convicted by this jury of failing to protect her and thereby allowing her death. I now sentence you both for these offences.
2. Frankie Smith you were 17 when you became pregnant with Star and you were 19 when these terrible events took place. I have heard evidence from your family that you were immature for your age and from Mr Eric Wright, a clinical psychologist, that you have a low IQ of only 70 and were unusually compliant, seeking the approval of those in authority. You were a neglectful parent even before you began your relationship with Savannah Brockhill. Whilst you were still with Star's father you took full advantage of those around you to babysit so that you could go out and enjoy yourself. I accept though that when you met Savannah Brockhill, she proved to be an even greater distraction and that you, as a rather immature and impressionable girl, became obsessed by her.
3. Savannah Brockhill you are now 28. I have no doubt that you were the leading force in the relationship. You have a violent temper. You were possessive of Frankie Smith wanting to know where she was and who she was with. On occasions your jealous anger caused you to be physically violent towards Frankie Smith.

4. However, whilst accepting that you Savannah Brockhill were the leading force in the relationship, I do not accept that Frankie Smith was, as she sought to persuade the jury in her evidence, so dominated by Savannah Brockhill or so fearful of her that she was unable to leave her or to seek help. Frankie Smith, you chose to be, and to remain, in that relationship for your own purposes and gratification. You knew that there were those around you to whom you could turn for help. This is exactly what you did in the spring of 2020 when you contacted your grandparents, Annetta and David, and asked for their help which was willingly given by them. I do not accept that Savannah Brockhill prevented you from seeing family members or friends. Again, you chose to limit contact with them, fearful that the growing swell of family concern over Star's health and wellbeing might risk her being removed from your care. Nor do I accept that your low IQ or unusual compliance affected your function or excused your behaviour and conduct. I had the opportunity of seeing you give evidence over a number of days. During the course of that questioning you held your own under what must have been enormous pressure. Just as you held your own in the taped conversation of 20/21 July 2020 which the jury heard and in which you were as threatening and as abusive towards Savannah Brockhill as she was to you.
5. The injury which led to Star's death was inflicted by you Savannah Brockhill during the afternoon of 22 September 2020. You kicked or punched Star causing a laceration measuring 2 cms by 2 cms to her inferior vena cava, the main blood vessel taking blood back to the heart. The effect of the injury was that Star bled to death. At the post-mortem examination more than 50% of Star's circulating blood volume was found to have escaped into her abdomen. The fatal punch or kick caused damage to other internal organs, including the liver, the pancreas and kidneys. The expert evidence, which I accept, was that the level of force required to inflict these injuries of the type must have been massive and similar the forces associated with a road traffic accident.
6. Only you both know what triggered that fatal assault. The violent attack which led to Star's death was not, however, an isolated event. Following her death numerous other injuries were identified on Star's body. Those injuries included two brain injuries; numerous rib fractures; a longitudinal fracture and then re-fracture of Star's tibia and a fracture to the back of Star's skull.
7. The physical injuries that Star suffered during her life are only part, if a significant part, of the tragic story of her life. She was also treated with at best callous indifference by you both and on many occasions with frank cruelty. I have in mind in particular the footage which this jury saw of Star on 27 June 2020, when clearly desperately in need of sleep Star was filmed sitting on a flimsy chair. As she fell asleep, she swayed on the chair before finally toppling off, dangerously hitting her head on the floor. You both filmed the incident but from different angles. You both found this funny. You Savannah Brockhill edited the footage, adding music and a caption before sending it to friends with the words "*I've laughed so hard.*" Later that day you both filmed Star sitting on the sofa with a bowl of food casually placed in front of her. She had food in her mouth which she was too tired to chew. You filmed her over a

period of a few minutes as she drooled and drooped and then fell face forward into her bowl of food.

8. The question which those who have watched the evidence in this trial unfold will be asking is why anyone would, or could, behave in such a way towards a young and vulnerable child who should be cherished and protected rather than abused and neglected. The answer to that question is clear to me. Star was caught in the crossfire of your relationship. The detail of that relationship is graphically illustrated in the many hundreds of social media messages that you sent to each other and to those who know you. Those messages concern petty squabbles and jealous fights. Often fuelled by alcohol those fights quickly escalated into an exchange of violent threats and ultimatums which were obviously meaningless to you both and quickly forgotten by you. Star was however the victim of these pointless and self-absorbed rows. You Savannah Brockhill took your anger out on Star by punching and slapping her. Frankie, you were cruel towards Star punishing her pointlessly for perceived bad behaviour.
9. One aspect of this tragedy which will not have been lost on anyone is that there were, very close by, many people who loved Star and who were anxious to help. Hollie Jones was concerned for Star's welfare. She was responsible for the first referral to social services. She was used as a frequent source of free babysitting whilst you Frankie Smith went off drinking with your mother, Yvonne. Hollie Jones tried to protect Star by taking her to her own home when babysitting because as she thought it would be safer for Star. Star's great grandparents, Annetta and David, took Star in for several weeks when you Frankie felt unable to cope having been told, not for the first time, that your relationship with Savannah Brockhill was over. Whilst you, Frankie Smith, took advantage of Star's absence by going out to pubs with your mother, Star was beautifully looked after by Annetta and David and by your half-brother Ben. The photographs and clips of video of Star during these precious 10 weeks with Annetta and David shows a different Star to those which have been the focus of this jury's attention. She is laughing, smiling and playful. She is obviously happy and healthy. I have heard moving evidence this afternoon from Mr Bernard Hobson, speaking on his own behalf and on behalf of his family. It is clear that the Hobson family also would have stepped in to lend support or a practical and emotional nature had it been sought. It can therefore come as no surprise that those who loved Star are as bewildered as they are angry and sad at all that has been lost.
10. I now sentence you for the parts which you each played in Star's short life.

### Savannah Brockhill

11. For you, Savannah Brockhill there is only one sentence which I can pass. That sentence is one of life imprisonment. But I must now set the minimum term which you must serve before you are eligible for release by the Parole Board. Minimum term means just that. You will not be released from prison until the Parole Board considers that it is safe to do so. You may never be released. If you are released, you will remain on licence for your whole life and may be recalled to prison if you breach any of the conditions of your licence.

12. In determining the minimum term that you must serve, I must first decide the appropriate starting point by reference to Schedule 21 to the Sentencing Act 2020. I have considered carefully whether the starting point should be one of 15 years or one of 30 years before I take account of aggravating and mitigating factors. I have decided that the starting point should be one of 15 years. I do not find that your fatal attack upon Star was the culmination of a course of deliberately sadistic conduct by you or by Frankie Smith. Rather, as I have said, you Savannah Brockhill would lash out at Star when in a jealous rage. Frankie Smith was a neglectful and callous parent who thought only of her own interests.
13. However, 15 years is the starting point and by no means the end point. In considering the aggravating factors in this case, I remind myself that I can only take into account those facts of which I am sure to the criminal standard.
- i) I am sure that you injured Star over the course of her overnight stay in your sole care on 20/21 July 2020. I have seen footage of you carrying Star as you made your way to your car during the early evening of 20 July. In spite of your evidence to the contrary, I am entirely satisfied that, save for a small mark on the edge of her eyelid, Star had no redness or signs of injury to her cheek. Photographs of Star later that same evening and the following day show a large bruise on her right cheek. I am sure that this bruise was caused by you slapping Star's cheek very hard. That you inflicted this injury upon Star is wholly consistent with your Google searches that evening for "*what takes bruising and swelling down*" and "*what takes bruising down quickly*." I pause to note only that this bruise, whilst it may not have led to any permanent injury must have been incredibly painful for Star and enormously distressing for her.
  - ii) I am also sure that you injured Star over the course of the weekend of 12/13 September when again she was in your sole care when you were at work at the Doncaster recycling plant. During the course of the trial, I have seen the footage captured on the work CCTV camera. It shows you punching and slapping Star on many occasions over a period of several hours. I do not accept your explanations for the sudden forward movements depicted on the footage: that your hand slipped or that you were trying to entertain Star. You were beating Star repeatedly. When she was returned to Frankie Smith, her face was badly bruised and her nose was scratched. She had bruising on her hands and arms. I have already referred to the injuries which were found on Star's body after she had died. They included broken ribs which were 2 to 4 weeks old and evidence of an earlier injury to her internal organs. I am sure that these injuries were inflicted by your attack on Star on 13 September. This is consistent with the Google searches which you performed on 13 September: "can you die from being winded" and "what happens when you get winded". Again, I take into account that this experience must have been not very painful for Star but absolutely terrifying for her.
  - iii) On the evidence that I have heard I cannot be sure that you were responsible for the other injuries which were found on Star's body after

she died. Either the serious leg fracture or the skull fracture or the other brain injuries. However, I am quite sure that your violent behaviour towards Star took place in a context of ongoing physical abuse of Star of which at very least you must have been aware. I have seen photographs of Star which show bruising which could not be anything other than inflicted injuries. If you did not cause them, you must have been aware of them. Those other injuries to Star must have been excruciatingly painful for her and she must have been very distressed by them. This it seems to me is a further serious aggravating factor in your case.

iv) I also take into account as a serious aggravating factor that you both behaved in a cruel and callous way towards Star. Shouting at her and making her stand against the wall which was a pointless and extreme punishment for what were no more than childish antics typical of any child of Star's age.

14. There are further serious aggravating factors. You delayed in calling the emergency services by at the very least 11 minutes. With hindsight it is clear that an earlier call to the emergency services would not have saved Star's life, but you were not to know this. Instead of calling the emergency services you delayed whilst you Google searched home remedies for the serious effects of the injury which you had inflicted. You then misled the emergency services. Instead of admitting what you had done, you put on a good show, trying to persuade the paramedical staff that you may have injured Star by performing CPR on her abdomen rather than her chest. It will not have been lost on this jury however that by doing so, of course, you revealed that you knew exactly what had happened to Star and that her injury was due to a severe abdominal blow.

15. Star was of course vulnerable by virtue of her age. By your own account you were Star's co-parent and therefore in a relationship of trust with Star. However, I must be cautious not to double count the various aggravating factors. The fact that Star was so vulnerable and because of your relationship with her afforded you the opportunity to mistreat her. Whilst noting these factors therefore I do not use them to increase the minimum term.

16. There are two factors which serve to mitigate your final act of violence. First, I accept that you did not intend to kill Star, only to cause her really serious injury. As you had done before, you lashed out in the heat of the moment when angry. On this occasion however, your assault had fatal consequences. I also do not find that your act was premeditated. I see no evidence that, when you visited the flat on 22 September 2020 you intended to injure Star fatally or otherwise. Both of these are significant mitigating factors referred to in paragraph 10 of Schedule 21 which I must, and do, take into account.

17. I also have regard to your personal mitigation. You have no relevant previous convictions. I am aware that you suffer from an underlying health condition which causes you to fit and that this led to a serious incident when you fell unconscious in early October of this year. It seems right to me that these features are ones which I should take into account, albeit to a modest extent. Whilst I note that your family have suffered unlawful and unwarranted attacks as

a consequence of your offending, I do not take that matter into account. You brought this on yourself and upon them. You have shown no remorse during the trial or even following your conviction. Whilst this is not an aggravating factor it means that you can derive no mitigation from your personal response and reflection upon your terrible act of violence.

18. In reaching the minimum term, I must balance the aggravating against the mitigating factors. I will return in a moment to my conclusion. However, in my judgement the aggravating factors far outweigh the mitigating factors.

### Frankie Smith

19. Frankie Smith, the offence for which you have been found guilty carries a maximum sentence of 14 years imprisonment. I bear in mind that you are being sentenced on the basis that you allowed, rather than caused, Star's death.

20. There is no dispute that your offending falls into Category 1 for harm because Star died. I must however determine the level of culpability to attach to your failure to protect Star. One of the factors I must decide is whether you failed to take any steps to protect Star from incidents of serious cruelty involving significant force. Again, I remind myself that I must be sure to the criminal standard of exactly what you knew or ought to have known and the risks posed to Star.

21. I am sure that you knew that the bruising to Star's cheek which was present when she was brought home on 21 July had been caused by Savannah Brockhill. There was, simply no alternative plausible explanation. You knew that the small eye injury had been caused by a fall on the bed but that incident could not explain the large bruise which developed overnight. Although I accept that your level of intelligence is limited and that you have a low IQ, I do not accept that even someone with such a level of function could have failed to appreciate that Star had been slapped and slapped hard by Savannah Brockhill.

22. I am also sure that you could not have failed to realise that the condition that Star was brought home in after her weekend with Savannah Brockhill on 12/13 September was due to Star having been abused by Savannah Brockhill. As you remarked to her in a text message on 14 September – "*the marks on this baby is ridiculous.*" By your own account you were so suspicious that Savannah was abusing Star to the extent that you Googled how to get an injunction – in part because of your suspicions over Star. But I do not accept that you were only suspicious, you must have known that the only explanation for those bruises was that your daughter had been seriously beaten by your partner.

23. I have seen numerous photographs showing very severe bruising to Star. Those bruises are to her face, her back, her legs and arms. If you did not cause them (and I accept that there is no evidence that you did) then you must have seen them and understood that they were non-accidental injuries. The bruises were too numerous, too extensive to permit any other explanation. Others were raising concerns about the level of bruising that they had seen on Star also.

24. However, in spite of those injuries and the plain evidence of abuse which was available to you, you failed to contact the police or the health services; you failed to seek help from your family when you must have known it was readily available; you failed to dissociate yourself from Savannah Brockhill. Instead, you continued your relationship with her for your own ends. You allowed Savannah Brockhill into your flat on 22 September. You gave her unsupervised access to Star on 22 September with fatal consequences.
25. I take into account that there are some features which might justify a lesser culpability by reference to the Sentencing Guidelines. In particular your lack of maturity and that you were the victim of physical violence. I take those factors into account as ones of real mitigation but it seems to me that taking everything into account your offending falls fairly and squarely within culpability A which carries a starting point of 9 years custody.
26. There are aggravating factors, not least your own acts of cruelty and neglect towards Star, only some of which I have already referred to. Also, by your own admission you lied to police about the circumstances in which you found Star after the incident, going along with the suggestion that you should make up a story that you were both absent from the living room when the incident occurred. In so doing once again you protected Savannah Brockhill at the expense of finding out what had happened to your daughter.
27. There are, as I have said your immaturity is a relevant mitigating factor. This was one of the reasons why I am sure that, so persistently, you placed your own interests above those of your daughter, Star. I also accept that on some occasions, Savannah was physically violent towards you. I do not accept that those acts of violence were frequent. I have heard evidence of three such occasions: in your mother's home; at the Sun Pub and on another occasion at your flat. I accept however that it would have made it more difficult for you to have approached the emergency services or family and friends and report what you knew Savannah Brockhill was doing to Star. I take into account that you have no previous convictions. Most important however, I take into account that you have lost your daughter, Star. You played a role in her death by allowing that death. This is something which you will have to live with for the rest of your life. I do not underestimate the weight of that burden which you must carry.

Sentence:

28. Savannah Brockhill: for the offence of murder of Star Hobson, the sentence is one of life imprisonment. Taking account of all of the factors which I have set out above, the minimum term of imprisonment which you will serve before the Parole Board consider you for release is a term of 25 years, less the 443 days which you have spent on remand in custody following your arrest. If that calculation is found to be wrong, then it can be corrected administratively. I remind you that the minimum term is just that. You may in fact serve longer.
29. Frankie Smith: for the offence of allowing the death of Star Hobson, the least possible sentence which I can impose is one of 8 years imprisonment. You will serve up to 2/3 of that term before you will be released on licence. The time that you also have spent on remand will count towards the time you must serve

automatically. I do not find you to be a dangerous offender justifying the imposition of an extended sentence.

30. The appropriate statutory surcharge will be applied in this case.